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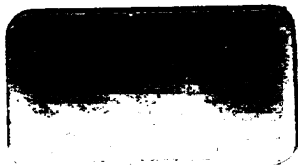
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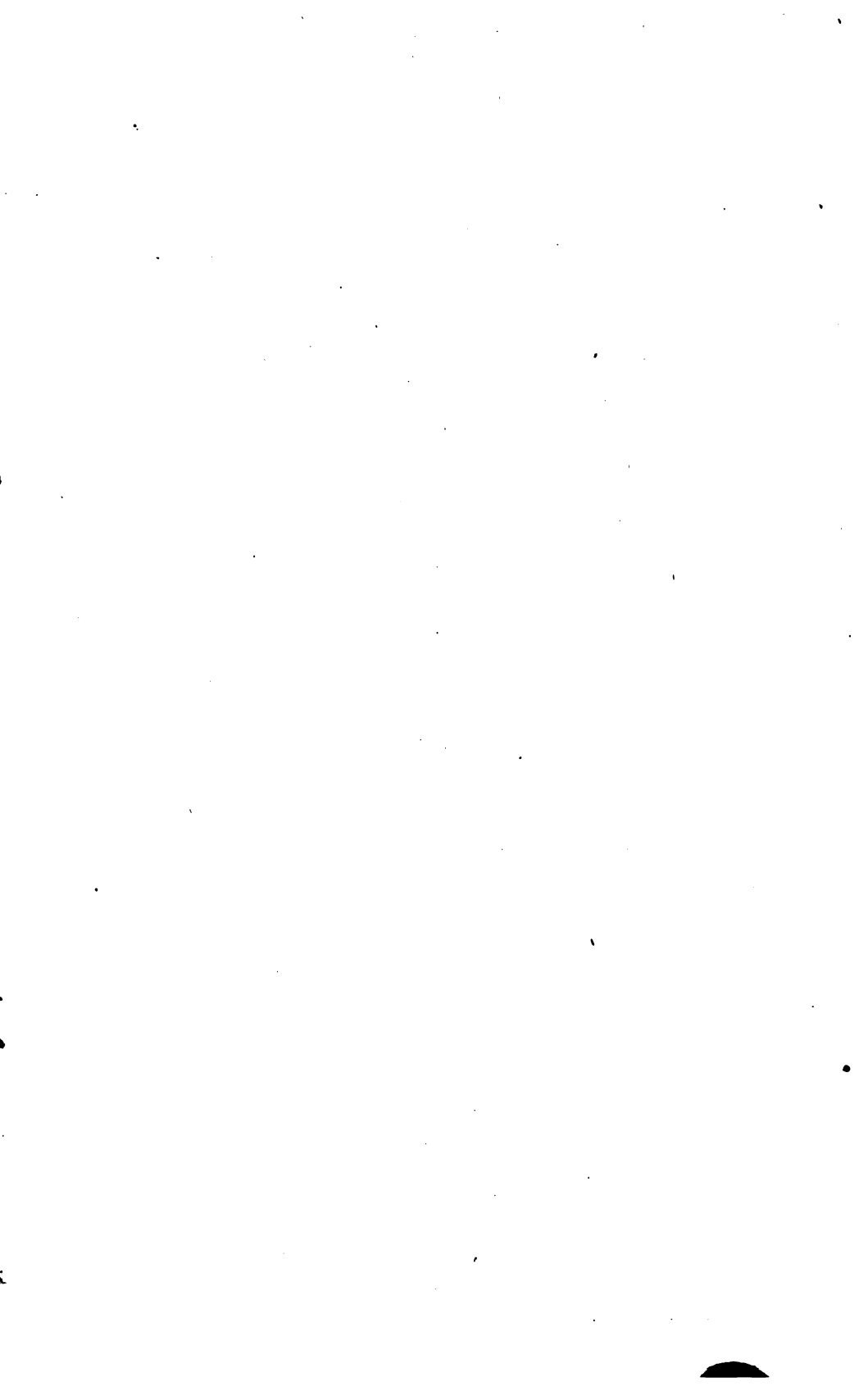


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# HEARINGS

BEFORE THE

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## COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

OF THE

### HOUSE OF REPRESENTATIVES

ON

**HOUSE BILL 14316,**  
TO FURTHER PROTECT THE PUBLIC HEALTH.



WASHINGTON:  
GOVERNMENT PRINTING OFFICE.  
1906.

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**HEARING ON THE BILL (H. R. 14316) TO FURTHER ENLARGE  
THE POWERS AND AUTHORITY OF THE PUBLIC HEALTH AND  
MARINE-HOSPITAL SERVICE, AND TO IMPOSE FURTHER  
DUTIES THEREON.**

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**COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE,  
HOUSE OF REPRESENTATIVES,  
Washington, D. C., March 3, 1906.**

The committee met this day at 10.30 o'clock, Honorable William P. Hepburn in the chair.

The CHAIRMAN. The committee will be in order. Mr. Davey, will you take charge of the order in which the statements of the gentlemen may be made? You are familiar with that.

Mr. DAVEY. I think the gentlemen have adopted some kind of a programme among themselves, and I will therefore introduce the chairman of the committee, Mr. Martin Behrman. He is the mayor of New Orleans.

Mr. STEVENS. What is the number of the bill?

Mr. DAVEY. It is the Mallory-Williams bill.

The CHAIRMAN. House bill No. 14316. That is the bill introduced by Mr. Williams, and the only one, I think, that is before this committee. Now, Mr. Behrman, we will hear you.

**STATEMENT OF MR. MARTIN BEHRMAN, MAYOR OF NEW  
ORLEANS, LA.**

Mr. BEHRMAN. Mr. Chairman and gentlemen of the committee, I want just to thank you for giving us an opportunity to appear before you this morning. None of us have any desire to bore you, and it is our intention to take only a short while in presenting our views on this matter. But we come here to show you the interest we have in this bill, and to ask you for favorable action thereon. It means a great deal to us living in New Orleans, and we believe that the adoption of this bill will cure some of the troubles that we have been afflicted with.

I am not going to go into details, because I will be candid with you and say right here that I am not familiar with all the details of this bill, because my time has been taken up with other matters. But there are other gentlemen here on our committee who have studied this bill, who will ask the privilege of talking to you upon it. I take pleasure in first introducing to you Mr. Sanders.

**STATEMENT OF MR. M. J. SANDERS, AGENT OF THE LEYLAND LINE OF STEAMERS, AND PRESIDENT OF THE CITY NATIONAL BANK, NEW ORLEANS, LA.**

Mr. SANDERS. Mr. Chairman and gentlemen of the committee, I am going to be as brief as possible on this matter. I will not attempt any flights of oratory, because they are not in me. I want to say, by way of introduction, just one word, to point out the deadly earnestness with which our people in Louisiana view this matter. Our governor would have come along with us in addition to the mayor, but we have chosen 15 of the men, excepting myself of course, gentlemen who represent most of the progress and authority in New Orleans and in Louisiana, and I do not think there is any doubt but that the 14 men here do represent the most important interests in Louisiana and in New Orleans; and, as you know, New Orleans is the biggest city in the South.

I merely mention this to show that these gentlemen have come here at great inconvenience to themselves. We are hoping that we may be able to go back to-night by the earliest train, because, on account of our business at home, it is urgent that we should return home; but we would not have come up here unless we had been impressed with the absolute and pressing necessity for some favorable action upon this bill. This is not a jaunt or junket. There has been no desire for a pleasure trip. On the contrary, it is an expense and a great loss to many of the gentlemen who have come up.

The Chattanooga convention held in November last was, I think, as representative a convention of the Southern States as ever was held. There were present eight or nine governors, and there were present many Congressmen and Senators of the Southern States, and there were large delegations of important business men present. The sole object of that gathering was to discover some means whereby the Southern States could come together on this question of quarantine.

Previous to the outbreak of yellow fever last summer along the Gulf coast there has been an agreement between the four Gulf States—Texas, Mississippi, Louisiana, and Alabama—an agreement between their boards of health as to the amount of quarantine to be imposed and as to methods of quarantine on all foreign commerce. It was an agreement based on good faith—that is to say, if any of the boards of health knew of a case of yellow fever it was to be reported to the other States, the object being to prevent any serious hardship on commerce and to prevent the introduction or transmission of yellow fever from one State to another. For example, if a case came into Mobile, the object was to prevent it from getting into other cities and into other States; and if a case came into New Orleans, the object was to prevent it from getting to Mobile, or Galveston, or any other city.

That agreement worked very well until the first case of yellow fever came. Upon the outbreak of the very first case that agreement went to pieces and was utterly destroyed; and the position to-day, without mincing words, I may say, is one of absolute impossibility as to any sensible agreement with any of the Gulf States upon this vital question.

It would be unnecessary for me to explain to you, gentlemen, what a tremendous loss of comfort and convenience and of commerce results from the imposition of these shotgun quarantines. It is tying up our State within its own borders in a manner utterly destructive of commercial relations, and it is a serious menace to all the business conditions of the State. If it is a fact, as we fear it is, that it is impracticable and impossible for these States to come together with any agreement that would be of any value amongst themselves with regard to the control of quarantine and its methods of handling, it appears to us there is absolutely no authority in this country that can give us any assistance whatever except the Federal Government.

The Federal Government, for some reason or other, stands in the way to command more confidence than any of the State governments; I mean as regards the board of health administration. It is not necessary to discuss why, or whether this be so. I only express the conviction of myself and those that I have talked with that it is undoubtedly the case that the Federal health authorities are the only ones in the world in whom the Southern States at present have unitedly any confidence.

That was shown in the epidemic of the fever last year, when even our own board of health in Louisiana and the city board of health in New Orleans were doubted by the people, and the governor was at once asked to request the Federal authorities to take charge. It was not a question of prescribing financial means, because those were furnished by the New Orleans authorities. All the money the Government expended was paid out of the pockets of the citizens of New Orleans. But it was desired to get that authority—that corps in the Marine-Hospital Service—to handle this question and take it out of the hands of the local boards of health.

It is something that we do not like to confess. It is not a pleasant position to assume. But the moment that the Federal authorities took hold, that moment the confidence of our people began to be restored. We feel this is an unanswerable reason why the Federal Government should come to the assistance of the several States at this moment and take charge of the foreign commerce, so far as the quarantine of that commerce is concerned. They can make rules and regulations which can be carried out strictly; which can be recognized even by the boards of health of the various States on the Gulf, and we believe their taking this in hand will enable us to have a degree of close intercourse between the States which it would be impossible to have under any other method.

There is another reason why the Federal Government should take charge of this foreign commerce as regards quarantine, and that is if we want to eradicate once for all this question of yellow fever, which is a constant menace to the South, which is a menace also when the communication with the South comes only through the Northern and Atlantic ports, it must be done by a more comprehensive authority than State authority or the authority of a group of States, because otherwise the yellow fever patients can just as well get into the South from the Northern and Atlantic ports as they can through the Gulf ports. Yet the main difficulty is that they come in through the Gulf States, and we are asking now only or mainly for action with regard to the Gulf States, feeling that they will overcome at least the difficulty.

But an additional reason why the Federal authorities should take charge of it is that if we can, through the Federal authorities bring a certain amount of friendly pressure to bear upon the governments of the States and countries to the south of us, where yellow fever is inherent and constant, we can ultimately eliminate entirely the source of this disease, and eliminate entirely the necessity for these quarantine restrictions and regulations which practically destroy the commerce between the Gulf ports and the ports to the south of us. In other words, if there are certain cities in those southern countries that are the hot beds of yellow fever, we feel that a friendly suggestion from the Federal authorities here would be of weight as inducing those governments to clean out and eradicate. I do not mean any force or pressure beyond a friendly notice to these governments that it interferes with the friendly relations and the commercial relations which we bear toward them. No State or combination of States can take any such action as that, and yet that is the only way to finally eliminate and get rid of this menace. It is an expense, a burden, and a terror to the people of the South, and we therefore feel that this is essentially a matter that should be handled by the Federal authorities.

We have read this bill through very carefully. Doubtless it may have been amended since this copy was printed, as it is not even numbered; but we can not find therein any clause or provision that interferes in any way whatever with the boards of health of the Southern States, or that menaces what we in the South still cherish—the State rights of the States.

The CHAIRMAN. Is that bill you make reference to bill 14316?

Mr. SANDERS. My bill is not numbered; but it is no doubt the same bill, changed perhaps in some minor particulars.

Mr. DAVEY. There have been some little changes made in it, but not many.

Mr. SANDERS. That was sent to us a month ago. I presume the actual bill as it now stands has been amended. The whole bill appears to us, Mr. Chairman and gentlemen, to be merely a provision that the Federal authorities can establish and will establish quarantine stations at the various ports on the Gulf where they will control the commerce with foreign nations.

It also provides that if any State authorities desire to further detain vessels after they have passed the Federal quarantine the State authorities are at liberty to do so. But the essential advantage we would obtain, even if the State of Louisiana had the right afterwards to detain vessels after being passed by the Federal quarantine—the essential advantage would be having the Federal authorities intimately associated with and interested in all of this matter, and the confidence it would thereby give to the States along the Gulf.

For instance, if we know—if Mobile knows—that the Federal authorities are handling the quarantine at the port of New Orleans and the same authorities are handling the quarantine at Mobile, and also at Pensacola, or any other port on the Gulf, those States will be satisfied that the same regulations are being enforced and that the same notice will be given of any outbreak of yellow fever, and until the Federal authorities announce that there is danger in our midst the intercourse between the States will go on unreservedly and uninterruptedly.

We do not believe that would be the case if the board of health of Louisiana were to pass certain regulations of their own, and Mobile other regulations, and Mississippi other regulations, and so on. We fear there would be a distrust and a doubt all the time, and that any State or local quarantine that might be imposed by the State would inconvenience and tend to destroy commerce; and therefore we say that no other authority but the Federal authority can give us any assistance in this matter.

Mr. STEVENS. Is the reason why there can not be any agreement between the States, the existence of commercial rivalry between the Gulf ports?

Mr. SANDERS. I would not say that. I think the existing feeling is based upon a doubt which lingers in the minds of some as to the suppression of yellow fever.

Mr. STEVENS. That might be one of the reasons; could it not be?

Mr. SANDERS. I do not think myself that this is the reason, but I have heard it expressed that that is one of the causes. I may be wrong, however.

Mr. STEVENS. I notice that by section four there is no authority—there can be no authority, by Congress against a State detaining any person entering the State whom the States desires to exclude. Now, under the necessities of the condition, that will not exclude the State of Arkansas from having a shot-gun quarantine such as it had last year?

Mr. SANDERS. I do not think it would. But I am not a lawyer. However, I understand that the constitution of the State gives them a right, if they desire, to refuse admission to a man.

Mr. ADAMSON. You do not know whether any State quarantine calls itself a shot-gun quarantine, do you?

Mr. SANDERS. That is only a nickname.

Mr. ADAMSON. That is only where the people in a community that has not had a quick protection takes the situation into its own hands?

Mr. SANDERS. The local authorities impose certain regulations, but those regulations are the outcome of an absolute doubt or distrust of each other. They do not believe that each State will report immediately any outbreak of yellow fever in its midst.

Mr. ADAMSON. Are you not willing that the whole country shall protect the people from an epidemic without attempting to make any expression as to what a State may or may not do?

Mr. SANDERS. Certainly I should be.

The CHAIRMAN. Is not this the trouble—is it not the boards of health of the different States that have thrown impediments in the way of legislation of this kind?

I do not hesitate to say if there was not a board of health in the United States there would be no difficulty at all in getting a proper quarantine system. The gentleman asked you if it was not the rivalry of commerce that prevented it. I believe, myself, it is the rivalry of the boards of health, gentlemen “dressed with a little brief authority,” who do not want any infringement made upon that authority. That has been the way always, at least during the last twelve years that I have been a member of this committee.

Mr. SANDERS. I think all of the boards of health of Louisiana and Mississippi are in favor of this bill.

The CHAIRMAN. This bill would simply make the Government of the United States the buffer between the States and yellow fever, but it would give the Government of the United States absolutely no authority over these gentlemen who constitute the boards of health. It makes each one of them superior to the action of the Government and under this bill the Government could not inspect a vessel, it could not declare free from inspection a crew or a passenger list that any State board of health might not interrupt in their passage through the United States.

Mr. ADAMSON. I desire to say, so far as my State is concerned, that it is very much in favor of the Federal Government doing its duty, but not in favor of the Federal Government, in consideration of its doing its duty, trying to destroy the rights and powers of the State.

Mr. SANDERS. We can not see that it does that. It does not go as far as you, Mr. Chairman, perhaps might think advisable, or as perhaps some of us may think advisable. But we are merely asking now that the Federal Government will come and take charge of this foreign commerce, so as to give our State confidence in its neighbors; and if a State likes to impose an additional quarantine that is the business of that State, I do not think they will do any such thing, because I think they will have confidence in the regulations of the Marine-Hospital Service.

Mr. BARTLETT. That power of the State to control its own affairs in that way can not be taken away by the Government of the United States, according to the Constitution, as I read it.

Mr. SANDERS. The great point is that we are helpless by reason of the want of confidence between the people of the different States around the Gulf coast. There is no use in veiling that fact or attempting to hide it. We want some authority to come in and help us and take charge of the matter.

Mr. MANN. Is not this bill based upon your experience last summer, when you found that the State authorities did not have confidence in each other, and did not have confidence in the local boards of health, but apparently did have confidence in the national quarantine service after it took hold?

Mr. SANDERS. Yes, sir; there is no doubt of it.

Mr. MANN. You think that confidence is likely to continue if the Marine-Hospital Service and the Public Health Service had charge of the quarantine service?

Mr. SANDERS. Unquestionably. There is no official that has more confidence bestowed upon him in the State of Louisiana to-day than the representative of the Marine-Hospital Service there; absolutely none.

Mr. ADAMSON. Is not the real advantage the fact that the people realize that the Federal Government has more power to control the situation? It is not a question of money?

Mr. SANDERS. No; that is the fact. There is no doubt as to whether the cost of keeping the United States free from yellow fever should devolve upon any one State or city. It is commerce of the whole United States, and the whole United States is interested in that commerce; and the whole United States is interested in the freedom from disease that the country may enjoy; and we think it is essentially a matter that should be handled by the Federal Government.

Mr. RUSSELL. You seem to have studied this question very care-

fully, and this bill very carefully. I wish you would state to me what particular advantages you would derive from this bill—say, a city like New Orleans, in the suppression of yellow fever?

Mr. SANDERS. It would be the advantage that would come from the confidence we would have in the administration of the quarantine; the confidence that would be given to the administration of the quarantine in the State of Alabama and the State of Mississippi and the State of Texas, in addition to the confidence we would have in its administration in the State of Louisiana. In other words, we would believe we were being safeguarded by the very best authority and by an unbiased authority. The fear now is that we give way in our regulations, so as not to lose trade.

Mr. RUSSELL. To what extent do you understand that the provisions of this bill would permit the Federal Government to have the quarantine control?

Mr. SANDERS. I am not lawyer enough to know whether this bill gives the absolute authority that we want, but it seems to me to provide that they shall establish quarantine stations at the Gulf ports.

Mr. RUSSELL. Against foreign commerce?

Mr. SANDERS. Yes; foreign commerce only.

Mr. MANN. Is not this the situation, Mr. Sanders, from your viewpoint: If you have some sporadic cases of yellow fever in New Orleans, for instance, the people not only of New Orleans but elsewhere are afraid that the local authorities will suppress all information on the subject for fear of its injury to business?

Mr. SANDERS. Yes; that is the idea.

Mr. MANN. And if the service is in the hands of the National Government it will not be affected by such considerations, and whatever there is there will be made public?

Mr. SANDERS. Yes. We feel that it is entirely safe to rely on this fact, whatever may be the experience of the past, that there will be absolutely no suppression of information as to cases of fever either in New Orleans or the State of Louisiana in the future. If it has been in the past, we do not admit it. It is the most natural mistake that can be made in our interest, and in the interest of our commerce, and our own individual interests, and there is no chance of suppression in Louisiana in the future. But we do not know that the States contiguous to us do not yet believe that, and will not believe it until the Federal authorities have taken charge.

Mr. RUSSELL. Will you get anything more out of this than the greater publicity?

Mr. SANDERS. We do not want any more publicity.

Mr. RUSSELL. You spoke awhile ago about the fatal mistake as to the suppression of information of cases of yellow fever, which would be obviated by this bill. By my reading of the bill I do not understand what means on that point you get from this bill, and what benefit you derive from it, excepting that if the Federal Government handles it publicity will be given to the existence of yellow fever wherever it does exist.

Mr. SANDERS. Not only that, but public confidence will be given in the States around us.

Mr. RUSSELL. But will confidence be given unless the people who have the confidence believe that the bill confers on the Federal Government some power?



Mr. SANDERS. We read that it gives the authority, and instructs that the Marine-Hospital Service shall establish these stations and shall handle the foreign commerce.

Mr. BARTLETT. And it also provides for penalties.

Mr. ADAMSON. Then you do not mean to say that your own people would have more confidence in a statement of the Federal authorities than in yours, but that surrounding States would have more confidence in the situation?

Mr. SANDERS. Precisely. When I say "precisely" to your question, I refer more particularly to New Orleans and its surroundings. There are people in the interior of Louisiana who would probably have more confidence in the Marine-Hospital Service than in the board of health of Louisiana. But we do know that the other States will have more confidence.

It is a matter of confidence, gentlemen, and there is no desire to suppress any information with respect to the existence of yellow fever. We are determined to eradicate it, and we are determined to make New Orleans absolutely immune. We have started to work already, but we want confidence.

Mr. ADAMSON. The trouble last year, Mr. Sanders, as I understand it, was that your people were allowed to pass into other States.

Mr. SANDERS. They did not allow us to pass through. They shut us up. I will tell you one of the absurdities of it. If I wished to start from New Orleans to New York, I could go straight through the States to New York, but if I wanted to come back I could not come back through certain States without staying seven days in quarantine.

Mr. ADAMSON. Then you had no difficulty in going away from the States which would not permit you to return?

Mr. SANDERS. Yes. The boards of health would say, "We do not know whether you have been more than seven days away from New Orleans. If you have come from there, even indirectly, you may get the fever, or you may have the fever when you come back."

Mr. ADAMSON. Do you hope to get from this bill the power to go back?

Mr. SANDERS. Yes. We hope to prevent the imposition of foolish quarantine. Some of the quarantines are necessary, but some of them are foolish.

Mr. RUSSELL. As I understand your view, it is this: If the existence of yellow fever should be known in a State adjacent, and some vessel should be released by the local authorities from quarantine; for instance, if a person were to start toward Texas, and when he gets to the Texas line the local authorities would say: "He has been released by a local agent, and we have no confidence in the strictness of that service, and we will stop him," whereas if a Federal authority had passed him, the people of Texas would have confidence in it?

Mr. SANDERS. Exactly. If the matter were placed in the hands of a disinterested party, people would have confidence in it. The Federal official would be disinterested, and therefore the question of personal interest and self-interest would be removed, and confidence would be given.

The CHAIRMAN. If that is the case, what is the necessity of this provision in section 4?—

But nothing in this act shall be construed to authorize any vessel or any person released from quarantine detention by authority of said Surgeon-General to enter any State or Territory of the United States, or the District of Columbia, against the expressed objection of the lawful health authorities of such State, Territory, or District.

Mr. SANDERS. I can not tell you, sir, except State rights.

Mr. ADAMSON. Why not take out both of those provisions in that section?

Mr. SANDERS. If the bill passes Congress with that provision struck out, we would have no objection at all.

Mr. ADAMSON. If the bill will answer your purpose just as well by striking out this provision, that can not give or take away any of your rights?

Mr. SANDERS. We simply want the bill to pass Congress, and if you gentlemen see fit to eliminate this, we will not object.

Mr. MANN. Mr. Sanders, you are interested in New Orleans only as to yellow fever?

Mr. SANDERS. Mainly that. Last August our death rate was the lowest ever known, although we had yellow fever there in New Orleans.

Mr. MANN. Has your committee ever considered in any way the question of bubonic plague?

Mr. SANDERS. Our municipal authorities have taken charge of that. We do not presume this will sweep away our board of health. If you gentlemen do not put in bubonic plague, that will be handled by our local authorities. But yellow fever is the question on which the South is very much afraid.

Mr. MANN. I ask you, so far as you know, whether there was any objection to have the national quarantine have the same control over bubonic plague?

Mr. SANDERS. We have none, sir. You may include all the contagious diseases, so far as we are concerned. We would be willing to have the national quarantine take charge of them. But we are particularly anxious about its having charge of yellow fever.

Mr. GAINES. Am I correct in understanding that your position is that people in the several communities are afraid that the health boards of other communities will suppress information as to the existence of yellow fever in their communities, and in order to promote their trade—or keep from harming it, is probably the better way to put it—they will not be conscientious enough in safeguarding the health of other communities? Have you any objection, constitutional or otherwise, to giving the United States the authority to give persons whom they have examined a clean bill of health—if that expresses it? I do not know whether it does or not.

Mr. SANDERS. We of Louisiana were represented, sir, at Chattanooga by a large delegation, and we expressed ourselves as quite willing to do that. So far as this bill goes—it does not go as far as the Louisianians would be willing to go. But we do not want to ask anything that would provoke a conflict and prevent the bill as it is from becoming a law.

Mr. GAINES. Have any of your people, or any lawyers, prepared any brief on the question whether Congress has the power to pass a law that would give that authority?

Mr. SANDERS. I do not think we prepared anything, sir, but we brought a lawyer along with us. We did not expect that you gentlemen would listen to a lawyer, but we have brought a very eminent lawyer with us, and I would like him to answer your questions.

Mr. ESCH. Is this bill the result of the Chattanooga convention?

Mr. SANDERS. Yes, sir.

Mr. ESCH. With what degree of unanimity was this bill agreed upon by the representatives of the Southern States at that convention?

Mr. SANDERS. It was agreed to absolutely unanimously by a very large convention of 800 people, embracing 8 of the governors and many of the Senators and Congressmen of the Southern States. They agreed upon it unanimously, and it was more far-reaching than is expressed here.

Mr. ESCH. This bill carries half a million dollars. How much of your coast is contemplated to be protected by this quarantine service?

Mr. SANDERS. This bill limits it to the Gulf States.

Mr. ESCH. There is equal necessity for Florida and the coast of South Carolina, is there not?

Mr. SANDERS. Yes.

Mr. ESCH. Why not put that in, too?

Mr. SANDERS. We want it primarily for the Gulf States. If the rest of the country does not want anything, we are not to antagonize them on that issue.

Mr. ESCH. Were North Carolina and South Carolina and Georgia and Florida represented at that Chattanooga convention?

Mr. SANDERS. Yes, sir.

Mr. ADAMSON. I suppose they confined their action to this locality on the subject of yellow fever because that was the most present and imminent danger?

Mr. SANDERS. Yes; that is the chief danger that concerns the South, sir.

Mr. KENNEDY. Do you not think that this law should be general in its scope, to do what is needed all along the coast?

Mr. SANDERS. Yes; what we want is some relief.

Summer is coming on us. We do not want our intercourse destroyed with other States, and we are, therefore, willing to take half a loaf, rather than have no bread, after attempting to get a whole loaf.

Mr. MANN. You do not want to be crushed between the upper millstone of Federal authority and the nether millstone of States rights? [Laughter.]

Mr. SANDERS. No. We want relief, and we do not know any other authority to whom we can come for relief.

Mr. MANN. Last summer, as I remember, in New Orleans, the National Marine-Hospital Service and the Public-Health Service of the Government had control of the quarantine service by consent there?

Mr. SANDERS. Yes.

Mr. MANN. There is no such authority in this bill, as I understand it, as would give them that right?

Mr. SANDERS. No; but I understand that if any community requests it the Federal Government is authorized to act.

Mr. MANN. I do not mean upon request. But under this bill the Government would not have the right to take charge of the yellow-fever question in New Orleans, unless requested by the local authorities?

Mr. SANDERS. No, sir; I do not think so.

Mr. KENNEDY. That is, the bill would not confer any right. There is a question as to whether the National Government has the right or power. But that is another question. I suppose a thing that menaces the safety of the whole country, as, for instance, the existence of yellow fever in any State, might be a question for national control?

Mr. SANDERS. Yes, sir; this does not touch that. It touches the sea matter, foreign commerce, pure and simple; not the interstate commerce.

Mr. STEVENS. Are you familiar with the facts requiring the enactment of section 6 of the bill, as to the number of quarantine stations or plants established by the States or local authorities that might be acquired under that act? Do you know where they are, or where they are likely to be, and the value or expense involved to the United States Government in acquiring these?

Mr. SANDERS. There are at present, sir, quarantine stations on the Gulf coast at the ports of Pensacola, Mobile, Ship Island, New Orleans, and Galveston, and I suppose there is one also at Port Arthur. Those are the principal ones on the Gulf coast.

Mr. STEVENS. Who owns those?

Mr. SANDERS. The State authorities. In the Mississippi station there is a complete plant. It cost a great deal of money. It is 90 miles from the mouth of the Mississippi River, where it is free from any connection or possibility of passing contagion, or contagion to any of the communities.

Mr. STEVENS. As I understand, this section contemplates the United States acquiring some or all of these stations.

Mr. SANDERS. At Pensacola the Federal authorities have already controlled it for several years, and the administration has been most satisfactory to the health authorities and to the people of Pensacola, and in fact to the whole State of Florida.

Mr. STEVENS. Have you any idea as to the probable or possible cost to the United States of acquiring any of these stations under the provisions of section 6?

Mr. SANDERS. Roughly speaking, sir, I should think \$100,000 might cover the acquirement of all that might be required on the Mississippi River. That would be the largest station.

Mr. STEVENS. What about the station at Ship Island that you speak of?

Mr. SANDERS. That is already a Government station.

Mr. STEVENS. I understood you to say it was a State station.

Mr. SANDERS. No; I should say that Galveston, Mobile, and Ship Island are all State stations.

Mr. DAVEY. They are now under the control of the Navy Department?

Mr. SANDERS. Yes.

Mr. MANN. Have you made any estimate of the loss caused by the outbreak of yellow fever in the South last summer?

Mr. SANDERS. I do not think anybody could estimate within millions what it cost us. It disorganized the whole commerce of the South, and that at a period when the South is putting on its working clothes and progressing. You can not figure it out in millions.

Mr. MANN. Do you know how much the people of New Orleans expended in endeavoring to suppress the outbreak?

Mr. SANDERS. The actual expenditure was a mere trifle, a mere bagatelle, something like \$400,000. They have expended since then in mosquito netting and cleaning cisterns something like \$350,000. But those expenses are nothing compared to the loss of commerce and the loss of values resulting. Those can not be figured out in the millions. The expense of handling this by the State or Federal authorities is a mere bagatelle compared with the harm that would come from doing nothing, of leaving us to quarrel among ourselves and get into difficulties, as we did last summer.

Mr. ESCH. Section 6 of the bill provides that the General Government shall take over the quarantine stations belonging to the several States. That is contemplated. How many of such are there on the Gulf?

Mr. SANDERS. Three or more—Mobile, Galveston, and Port Arthur, possibly. Then there are some minor stations in Louisiana where there are some small schooners, but they are of minor importance and of slight extent. There are some inlets to the sea there where light-draft vessels come in and go out.

Mr. MANN. Are there no stations in Florida?

Mr. SANDERS. There may be; but not on the Gulf coast.

Mr. DAVEY. They are already under the control of the Federal Government.

Mr. SANDERS. The whole of Florida is under the control of the Federal Government. Only Alabama, Mississippi, Louisiana, and Texas—if Texas desires—are contemplated in this bill.

Mr. RUSSELL. This section 6 does not authorize the Government to institute condemnation proceedings against the quarantine stations established by the local authorities, but only to acquire them with the consent of the State authorities.

Mr. STEVENS. What I would like to know is whether it would be a good policy on the part of Congress to require specific designations of land to be acquired by the Government, or legislation acquiring lands by the United States Government.

Mr. SANDERS. If you will permit me, gentlemen, I would much rather that our legal adviser should advise you on this question and on similar matters. I do not want to intrench upon the legal domain. Mr. Dart, here, will be glad to answer questions of that character.

The CHAIRMAN. Mr. Dart, we will hear you.

#### STATEMENT OF MR. H. P. DART, ATTORNEY AT LAW, NEW ORLEANS, LA.

Mr. DART. Mr. Chairman and gentlemen, while I might be called a legal adviser to the committee from New Orleans, I beg to assure you in all modesty that I lack one of the essentials of a legal adviser—I have no retainer except the love of my country. [Laughter.]

I came here with these gentlemen, who represent the city of New Orleans, not as citizens of Louisiana specifically, but as people of the United States. We are like a great body that has its foot suffering with a huge ulcer. We recognize that the port of New Orleans may be regarded as an ulcer on the great body of the United States. We demonstrated it last summer. We were paralyzed by the few cases of yellow fever that appeared in our port; and they paralyzed not only the South and the Southwest, but they affected the whole Mississippi Valley. And the disease with which we are suffering filled the veins of the States as far north as Kentucky and Tennessee, and as far west as California.

Therefore we have come to you to-day, not as Louisianians, and not as people of New Orleans, but as people of the United States, asking you to establish, not regulations with respect to our intercourse with each other, but regulations to protect the whole United States from the ulcer which lies in our foot and which we are unable to handle ourselves.

That is the story we have come to tell you, and we ask you to help us. The entire danger from yellow fever lies south of the United States, from Cuba on the one side to the lowest ports of Central America on the other. We import yellow fever. We import it under regulations of different States, which vary as much as the usual faces of men and public questions vary. New Orleans establishes a set of port regulations, Mobile another, Savannah another, and the ports of Florida another. We may admit a vessel with yellow fever upon it from Colon with five days' limitation; Mobile with one day's limitation.

Therefore the bill now submitted to you is addressed entirely to the external maritime commerce of the United States. We recognize it is simply throwing the shield of the United States over all the ports of entry in the South, and it is not for protection alone, because for the 100 years of our existence we have been able to suffer and still grow strong under our afflictions. We have had the yellow fever and other afflictions to contend with, but perhaps through the advantage of the little mixture of French blood that is in us we rise out of our difficulties.

But we have now got into a position where we are not only a nuisance, but a peril to the body politic. If you can not remedy it the United States is in this position, that we have a running sore here that you as surgeons can not cure; you can not eradicate this ulcer, this cancer, because you have not the power.

In the *Champion* case—the case of *Champion v. Ames*—the last case reviewed, so far as I know, by the Supreme Court of the United States, they review the entire doctrine of the United States to control the intercourse between foreign nations and this nation, adopting Judge Marshall's decision that commerce is intercourse; not the mere handling of goods, but the intercourse of people. The Supreme Court has generally broadened its view, until to-day we are able to make, as constitutional laws, enactments to prevent the handling of cattle and the importation of all sorts of diseases, and the commission of all sorts of offenses against morals.

In this case of *Champion* they maintained that the States prohibited the transmission of lottery tickets and prizes through the mails.

In other cases the power of the Government has been invoked to prevent the importation of cattle diseases. Texas has had bills passed to prevent the passage of cattle from Louisiana into Texas afflicted with diseases, and some of you are perhaps more familiar with that case than I am.

In this case of *Champion* they quote a number of cases—I am reading from 188 United States Reports, in which, at page 348, Mr. Justice McLean is quoted as saying: "Commerce is defined to be 'an exchange of commodities,' but this definition does not convey the full meaning of the term. It includes 'navigation and intercourse.' That the transportation of passengers is part of commerce is not now an open question."

Now, gentlemen, we do not get yellow fever from the goods that we import from South or Central America. We get it from the bodies of the people that are brought in to us, and we ask the Congress of the United States to create a quarantine system—a quarantine service—under which you will have the power to establish uniform quarantine regulations, so that every port to the south of us that is afflicted with disease can be guarded against.

We hope, if this bill passes, that the quarantine regulations will be such that all the ports of the United States will be put on a parity, and their vessels and passengers and cargoes will be admitted at a parity. That is all this bill asks for. If you have not the power to pass that, then it seems to me we have had all the decisions of the Supreme Court of the United States in vain.

The CHAIRMAN. Under that decision why do you limit the power of the Government to external ports?

Mr. DART. Because I understand that no decision of the Supreme Court of the United States has yet reached the point as to whether you can control the passage of people from point to point in the interior.

The CHAIRMAN. You have cited the case of Texas cattle. It is done there in that instance.

Mr. DART. As I understand it, Mr. Chairman, those things are based on the statutes of States

The CHAIRMAN. No; there is a Federal statute.

Mr. DART. But I understand that primarily each State has passed laws suiting the circumstances, and the United States has then followed with a general statute which permits the enforcement of the local statute in those particular cases. I do not understand that any statute of the United States has yet gone so far as to prohibit the passage of things and persons from one border to another.

However that may be, Mr. Chairman, the object of the people now addressing you is to obtain a maritime quarantine which we think will not trench upon anyone's rights, or step upon anyone's toes. If you can throw a safeguard over our ports you will destroy the disease by depriving it of its source. If you can not import a disease, we have no fear of it, because we have demonstrated that, once within our shores, we can control it ourselves. But we think that the moral effect of the adoption of this law will be to restore confidence all over the Union in the proper administration of the quarantine service in the ports of the United States.

Mr. KENNEDY. You do not believe, if Louisiana would ever refuse to take charge of yellow fever and allow it to grow there and foster

and maintain it, that the National Government would not have the power to take charge of it?

Mr. DART. Not only that, but it would be its duty to take charge of it.

Mr. KENNEDY. It would not be in opposition to State rights?

Mr. DART. No, sir. I am not one who carries the State rights doctrine to the limit of *reductio ad absurdum*. One of the most distinguished men of Louisiana, Mr. Ed. Terrell, took the ground in a notable address some years ago that matters of quarantine were State matters alone, and could not be handled by the Federal Government. I want to say that Mr. Terrell's views are not shared by any considerable number of members of our State bar, or by any considerable number of the bar of other Southern cities. The right to control the commerce and intercourse with foreign nations is as supreme to-day as it was when Chief Justice Marshall wrote his famous decision, only we are applying it to new conditions, and the Government is constantly working along those lines.

Mr. GAINES. As a lawyer, do you think it is constitutionally necessary to have that provision in section 4, which practically permits the State authorities to hold up or detain vessels or persons when released by the authority of the Surgeon-General and allowed by him to enter a State? That is section 4, beginning in line 10, which seems to provide that the State authorities may overrule any action of the Federal instrument that we are asked here to create.

Mr. DART. Do you want to know whether I believe, as a lawyer, that the United States has the right to prohibit the exercise of such authority as is here conveyed?

Mr. GAINES. Yes.

Mr. DART. I believe that the United States has that right; that that clause which says that "nothing in this act shall be construed to authorize any vessel or any person released from quarantine detention by authority of said Surgeon-General to enter any State or Territory of the United States, or the District of Columbia, against the expressed objection of the lawful health authorities of such State, Territory, or District," was put in to meet the last lingering doubt or sentiment remaining in some of those Southern States. I believe it would be a dead letter. The moment the United States Government comes in with quarantine regulations that are uniform, and enforces them strictly and impartially, without deference to any, that clause would be a dead letter. I believe no State would ever raise its voice to prevent a person with a clean bill of health from coming in.

Mr. MANN. Why not strike it out, then?

Mr. BARTLETT. The point of it is this: You say a State or municipal authority would not exercise the power. Would you deny them the right to exercise the power? We want to get your view on the subject.

Mr. DART. I want to explain that my individual views go further than your bill. I believe the United States Government has the right to absolutely say that when it determines that vessel so-and-so and man so-and-so and cargo so-and-so, coming in from a foreign port, has complied with the laws and regulations of the United States and presents a clean bill of health, I believe, and I think every State ought to believe that this is a wise act, done with a wise purpose.



However, I believe that hundreds of other men differ with me, and that clause on that account has been put in to meet that difference of opinion.

Mr. BARTLETT. If you extended that principle to a quarantine, you could extend it over every other subject falling within that provision of the Constitution.

Mr. DART. Yes, sir; and I think we have exercised that power.

The CHAIRMAN. With your view—and I confess it is my own—this provision would be a complete surrender of a part of the sovereignty of the United States?

Mr. DART. It would be to men of our views.

Mr. ADAMSON. Are you of opinion that you can change the Constitution without an amendment, according to the rule laid down therein?

Mr. DART. That would be a hard question to answer, because I do not think you intend it to be answered. [Laughter.]

Mr. ADAMSON. That may be a Georgia joke, but when I maintained these views and in the end finally agreed to a quarantine measure in the Fifty-fifth Congress, New York came in and finally objected to it.

Mr. DART. Tempora mutantur, et nos metamur in illis. [Laughter.] We all change our views on certain subjects.

Mr. ADAMSON. You can not change the Constitution to meet your views, though. [Laughter.]

Mr. MANN. You may gradually get your views around to meet the Constitution. [Laughter.]

Mr. RUSSELL. Suppose this bill were made the law, and after having been made the law the quarantine authorities provided for in this bill should release from quarantine some person or vessel going from the State of Louisiana to another State, and the State authorities in the State to which the person or vessel went should see fit to invoke this clause in section 4, which we have been discussing. Do I understand you to mean by the statement made a moment ago that the passage of this bill would deprive the States of the right to invoke that law?

Mr. DART. No, sir; the bill expressly reserves that right.

Mr. RUSSELL. Would this bill confer such authority on the Federal Government as would prevent the States from invoking the power?

Mr. DART. I understand you to ask me the question whether the United States Government under this bill, through the machinery of this Federal quarantine service, visés my health, or passes upon my health and admits me as being healthy and unobnoxious to the people of the country and allows me to enter the port of New Orleans, whether with that visé I could go into Alabama? I do not understand that the bill confers that power, and I do not believe we have reached that point in the discussion. I hope ultimately that the Government will reach that point.

The CHAIRMAN. Is not this the distinction, that under that control which the Government has over commerce, that individual or that merchandise is controlled by the Federal authority until the individual or merchandise mingles with the population of the State, or the commerce mingles with the commerce of the State?

Mr. DART. That is my idea.

The CHAIRMAN. Up to that time it is under the control of the Government, and after that time, after it becomes a part of the community or a part of the property of the community, it becomes subject to the regulations of the State?

Mr. DART. Yes; the sovereignty of the State seizes the individual or merchandise at that moment.

Mr. ADAMSON. Then, after the Government has been put on you, you must scuffle to get rid of it yourself? [Laughter.]

Mr. DART. No. I understand in New Orleans we could create a detention hospital. I do not understand from this bill that the Government of the United States expects to dump anybody upon any State of the Union. It means to certify that the man is admitted. Beyond that the sovereignty of the State seizes the individual and the police regulations of the State control his further movements.

Mr. BARTLETT. I would like to ask you as a lawyer, Do you think the Government of the United States or Congress could do anything more than that? Could they, by any act of Congress, deprive a State of the right of giving a clean bill of health to any cargo or car or ship or passenger—deprive the State of Louisiana or the city of New Orleans of the right of determining its action as a part of its regulations—that that decision was not true or sound and would not hold?

Mr. DART. That question has not yet been determined. I say, though, from my own interpretation of the Constitution, that that ought to be the law of the land, if it is not.

Mr. BARTLETT. Which ought to be the law?

Mr. DART. That if the Government admits a man, say Mr. A, and certifies him by a bill of health he ought to be admitted.

Mr. BARTLETT. I ask you as a lawyer.

Mr. DART. I answer you as a lawyer that I do not think the question has ever been determined by the courts. I give you the two ends, the two horns, of the dilemma. I give you my views as a lawyer and then I give you my views as a man. I stated it as I think it ought to be.

Mr. BARTLETT. As a lawyer do you think that should be done—that the police power of the State should be vacated?

Mr. DART. I should yield to you, sir, that the United States Government has no police power in conflict with the police power of the States.

The CHAIRMAN. The Supreme Court of the United States has determined that when the police power touches the interstate commerce, for instance, in the case of intoxicating liquors, under a statute of the United States which provides that the jurisdiction of the State shall apply, or that the police regulations of the State shall apply, when that commerce comes within the jurisdiction of the State—they have held in cases of that kind that that power attaches after the delivery to the consignee of that property or commerce—that a State does not have authority over it until after it is delivered to the consignee and mingles with the general property of the State.

Mr. DART. I so answered my friend on my left [Mr. Bartlett]. I understood the court had gone that far, but not so far as to prohibit personal intercourse.

Mr. ADAMSON. If you will permit me, I will suggest to you and the gentlemen both, what the lottery cases and liquor cases did not

decide—a decision made many times, that disease and death are not commerce. It is true that as to foreign commerce the Government can say that foreign ships can not bring disease and death, and they can give a clearance card. But you might just as well put in a provision here that the sun shall not shine, so far as the Constitution is concerned, as that a State shall not manage its own quarantine, because the States have never delegated that power to Congress.

Mr. DART. Do not the United States laws now prevent diseased and demented people from entering the United States?

Mr. ADAMSON. We have turned over to the Federal authorities the foreign quarantine stations in Georgia, but if they fail to do it, we reserve to ourselves the right of doing it, and we are going to do it.

Mr. DART. I entirely agree with you as to that. We believe in that in Louisiana.

Mr. KENNEDY. I do not think the law is thoroughly understood. I believe both the National and State governments have jurisdiction. One will not be likely to come in conflict with the other.

Mr. DART. Yes. As I say, the passage of this bill will be a great moral lesson.

Now, I want to suggest one or two other things. The suggestion has been made as to the amount of money that the United States would possibly be called upon to expend for acquiring these quarantine stations. We understand the bill to leave that optional with the United States to acquire these stations at a price suitable to it, or to establish its own stations.

Mr. ESCH. That is in section 6?

Mr. DART. Yes; section 6 reads:

That in every port or ports where quarantine stations and plants are already established by State or local authorities it shall be the duty of the said Surgeon-General, under the direction of the Secretary of the Treasury, before selecting and designating a quarantine station and grounds and anchorage for vessels, to examine such established stations and plants with a view of obtaining a transfer of the site and plants to the United States, and whenever the proper authorities shall be ready to transfer the same or surrender the use thereof to the United States the Secretary of the Treasury is authorized to obtain title thereto or possession and use thereof, and to pay a reasonable compensation therefor, if, in his opinion, such purchase or use will be necessary to the United States for quarantine purposes.

We understand that to mean, gentlemen, that the United States may say, "We will take over these things if we agree upon a price, but if we do not, or if we do not like the location, we may establish our own." And it is possible the United States Government would establish a quarantine station right beside ours in the Mississippi River, or anywhere else in the Union.

Mr. MANN. Do you know whether any estimate has been made of the expenses of acquiring either those quarantine stations or those provided in the other section?

Mr. DART. No, sir; I came here simply to help my brethren from New Orleans to present any questions that they might not be as familiar with as I may be from having studied them.

Mr. KENNEDY. Now, in the event that the Secretary of the Treasury can not get those quarantine stations owned by the United States, ought this bill to confer any power to appropriate other land?

Mr. DART. I think it does.

Mr. KENNEDY. It does not give the power of condemnation.

Mr. DART. Yes; in the preamble or first section—

That as soon as practicable after the approval of this act, the Surgeon-General of the Public Health and Marine-Hospital Service of the United States, with the approval of the Secretary of the Treasury, shall select and designate suitable places for quarantine grounds and anchorage for vessels, at such points on the seacoast of the United States as, in his judgment, are best suited for quarantine grounds and anchorages and necessary to prevent the introduction of yellow fever into the United States. That in cases in which the title to the land and water so selected and designated is in the United States it shall be the duty of the department, bureau, or official of the United States having custody or possession of such land and water, or any part thereof, on demand of the Secretary of the Treasury, to deliver the same into his custody and possession, for the use of the Public Health and Marine-Hospital Service, evidencing such delivery by a suitable instrument in writing to be delivered to the Secretary of the Treasury. That in cases in which the title to such land and water, or any part thereof, is in any other owner than the United States it shall be the duty of the Secretary of the Treasury to secure the title and possession of the same to the United States for the use of the Public Health and Marine-Hospital Service of the United States, by purchase at a reasonable price, if possible; but if in his judgment the price demanded for such property be excessive he is hereby authorized to apply to the Attorney-General of the United States to cause to be instituted, in the proper tribunal, condemnation proceedings in the name of the United States, for the purpose of acquiring for the United States the title and possession of such land and water, and said Attorney-General shall, as soon as possible, after such application by the Secretary of the Treasury, cause such proceedings to be instituted and conducted to a conclusion and the custody and possession of such land and water when duly acquired in accordance with the award made in such condemnation proceedings shall be delivered to the Surgeon-General of the Public Health and Marine-Hospital Service.

Mr. MANN. Section 1 of the bill gives the power to take all the land they want.

Mr. DART. Yes; ample power is given.

The CHAIRMAN. What interpretation do you give to the language of the bill beginning in line 23, page 8, and following?

Mr. DART. I will read that, commencing in the middle of line 22. [Reads:]

For the purpose of carrying into effect the provisions of this act, as well as for the purpose generally of preventing the importation of yellow fever into the United States, and for other purposes, in cooperation with the State health authorities, of eradicating it should it be imported, of preventing its spread from one State into another State, and of destroying its cause wherever the same may be found.

I understand that to meet the views of the gentleman from Georgia.

Mr. ADAMSON. Existing law provides for all that.

Mr. DART. I understand that was fully covered already, Mr. Chairman, by statutes of the United States.

The CHAIRMAN [reads]:

For the purpose of carrying into effect the provisions of this act, as well as for the purpose generally of preventing the importation of yellow fever into the United States, and for the further purposes, in cooperation with the State health authorities, of eradicating it should it be imported, of preventing its spread from one State into another

The words "in cooperation," do they mean that there is equal authority on the part of the State authorities with the Surgeon-General?

Mr. DART. I think they are susceptible of that meaning, but in practice I believe it would be exactly as it occurred in Louisiana last year. There the State authorities simply abdicated, and turned over

their money and appliances to the United States Government. I think the sentence, as now drawn, means that they shall get together for the purpose of destroying and stamping out disease.

Mr. ANDERSON. I think this has reference to interstate traffic and the running of through trains.

Mr. DART. I think it means this, with all due deference to you: Suppose that smallpox had broken out in Georgia and was becoming epidemic and was threatening an adjoining State. No; I mean yellow fever, not smallpox. I suppose Federal quarantine could come in there and cooperate with the State health authorities, because a later provision says, as you will observe after the comma on line 1 of page 8, read in connection with the language on line 25 of the page before that, "for the further purposes \* \* \* of eradicating it should it be imported, of preventing its spread from one State into another State, and of destroying its cause wherever the same may be found."

The CHAIRMAN. Assume a case near the borders of Mississippi and Louisiana. Each State has its health authority, and the third one is the quarantine officer of the United States. Who is to be supreme in that matter? Suppose these gentlemen all differed in their opinions; who is to control in a case of that kind?

Mr. DART. In the emergency here?

The CHAIRMAN. Yes.

Mr. DART. I should say the United States Government would control it.

Mr. KENNEDY. In the event the health officer of the State would do nothing?

Mr. DART. Then the United States could take charge.

Mr. KENNEDY. He could not cooperate then. Why not strike out that parenthetical clause, "in cooperation with the State health authorities?"

Mr. ADAMSON. Because the bill would not be of any account if you did.

Representative JOHN S. WILLIAMS of Mississippi. Mr. Chairman, will you let me say a word there?

The CHAIRMAN. Certainly, sir.

Mr. WILLIAMS. The gentlemen who addressed you and the chairman have plainly indicated the difference there—the police power ensues after the thing is labeled and become a part of the State conditions. If the fever should land at New Orleans and begin to spread, it would be subject exclusively to the police power of the State of Louisiana. The Federal Government after it landed would have no right to go on land and establish a hospital and pass quarantine regulations, or medicinal regulations, or rules of any sort, or to order cisterns to be screened, or order oil to be put on pools and stagnant water to kill mosquitoes; and for that reason this language was put in.

Mr. MANN. They would do it at the request of the State authorities, and the national service is not obligatory unless they choose to go, and they probably would not choose to go unless they were given control.

Mr. DART. That was the method last year, and doubtless history played some part in drawing that.

Mr. ADAMSON. Congress simply authorized its officials to do that, if the State authorities desired.

Mr. DART. That seems to be the thing, sir. Now, I have taken up so much of your time that I want to be as brief as I can now. We are now in New Orleans at the beginning of summer. In six weeks we shall have the same weather which you gentlemen who are fortunate enough to live north of Mason and Dixon's line will have in the month of July. We conjure you to do what you can in the name of humanity, and whatever you do, do it quickly. If you are going to give alms—if my friend will allow that provision—

Mr. ADAMSON. You are not doing your duty. You ought to demand that the Federal Government shall do its duty. [Laughter.]

Mr. DART. If we are not successful in convincing the gentlemen, let us take a lowlier plane and come like Lazarus to the table of Dives, the rich man, and beg of you the crumbs of comfort that you can give us. We have demonstrated that we in the South can raise all the money needed to fight infection when it comes into our midst. But we want the moral support of the United States. We want to feel that we are a part of you, and that when we stand, as we did last year, appealing for your assistance, that we are not appealing as beggars, but as people of a common country.

Mr. ADAMSON. Now you are getting on the right kind of ground. [Laughter.]

Mr. MANN. If you gentlemen of the minority had not prevented it, we would have done it for you long ago. [Laughter.]

Mr. ADAMSON. I am not in favor of bargaining away what the Constitution gives as the rights and privileges and prerogatives of the localities.

Mr. DART. I will fight as long as I can, but when I am no longer able to fight my own brethren I want to link arms with them and work in harmony with them.

Now, gentlemen, I want to introduce Doctor Kohn, who has given years to the study of this question. He will speak to you on the matter of figures and facts.

Mr. ADAMSON. If there are any other localities where there are diseases, it is the duty of Congress to protect them also.

Mr. DART. If you will help us take care of yellow fever we will help you take care of anything else you call on us for.

**STATEMENT OF DR. JOSEPH KOHN, EX-MEMBER OF STATE BOARD OF HEALTH AND CHAIRMAN OF THE QUARANTINE COMMITTEE, NEW ORLEANS, LA.**

Doctor KOHN. Mr. Chairman and gentlemen of the committee, I think the question of the constitutionality of this matter has been thoroughly ventilated, as also the urgency of our request for relief. I will simply confine myself to a few suggestions in regard to the bill itself.

I think, for example, that on page 3, section 3, and line 21, the words "of the United States on the Gulf coast," that should be eliminated. I do not see why that was put into the bill. It was an afterthought, prompted by the suggestion of some gentleman who had his own peculiar views on the question. I do not see why this protection against yellow fever should be confined to four ports on the Gulf coast, and why Charleston, Savannah, Brunswick, and other

ports of the South Atlantic coast of the United States should not be included.

Mr. BARTLETT. Why not New York?

Doctor KOHN. It has yellow fever, and——

Mr. KENNEDY. Why should this bill be confined to yellow fever?

Doctor KOHN. It should not be, but it is.

Mr. KENNEDY. I think it should not be. There is no use in coming in with another law of a similar character to protect us from some other disease that might arise. It might as well be made general, might it not?

Doctor KOHN. I understand this provision has been accepted simply because the task of getting the Representatives of the entire country united upon giving the control of Federal quarantine entirely within the hands of the United States would be too great and difficult a task, and would postpone the relief needed. That is why we have consented to yield on this question. On the broad question of what should be done for the entire United States I agree with the gentleman, so that we cheerfully consented at present to get relief in this way.

Mr. KENNEDY. Do you not think New Orleans could trust the Executive Department to carry into effect this law to give relief, first, to New Orleans, and wherever else yellow fever was imminent?

Doctor KOHN. I believe if the men in authority in Louisiana would follow the example set by Governor Blanchard, of Louisiana, and the mayor of New Orleans in asking for this relief, it would be just as good. But what guaranty have we that there will always be men in the gubernatorial and mayoralty chairs who will consent to that? We have had men heretofore who would not yield their individual will to the general good. We might just as well place the South Atlantic coast and Gulf coast in the Marine-Hospital Service, which has the means and facilities of protecting our coast far better than any State or locality could. Moreover, then all the great facilities of connection with all these dangerous spots in South and Central America might be guarded against, and by a grand system of protecting one against the other, I think they would have a better purview against the situation and be better enabled to protect us against invasion.

Mr. Chairman, if there is any member of the committee who wants to ask me regarding this suggestion about eliminating those words about the Gulf coast in section 3, I would be very glad to answer.

The CHAIRMAN. In view of the language you find on line 17 of page 4, "and if it shall be necessary, in the judgment of said Surgeon-General, for the protection of any other port or ports on the coast of the United States that additional quarantine stations and anchorages of refuge shall be established he shall, with the approval of the Secretary of the Treasury," etc., does not that do away with the necessity of changing the language you have referred to?

Doctor KOHN. Excepting to make it uniform. But why put in one part of the bill "Gulf coast," and then in another part say "any other port or ports on the coast of the United States?" Why not make it uniform, so that there would be no quibble about it? Because anybody then would know that all these ports that are points of danger would be included in the bill.

Now, I want to call your attention to one thing, Mr. Chairman and gentlemen, that if the Surgeon-General, for example, would consider Norfolk, or Savannah, or Brunswick, Ga., or any other of those ports that are not mentioned in the clause which I have referred to, and that should not be included in the strict rules established by him, it is entirely possible for any person coming from an infected port to reach those ports.

Mr. ADAMSON. The danger is more imminent upon the Gulf coast, and presents exactly the situation which would justify the Government in selecting at once a place like Dry Tortugas and establishing a station and protecting the place, as that needs it most. That is my idea on that language.

Doctor KOHN. Mr. Chairman, in reply to that, I would say—

Mr. ADAMSON. That is my understanding of that. The situation is presented where the Government can act at once.

Mr. STEVENS. What point would you have in mind that would be designated or required by the lines 13 to 17, on page 4, "such quarantine station and anchorage of refuse," etc.? There must be some particular station in the mind of those who framed this bill. Will you inform us?

Doctor KOHN. I will, as soon as I am through with the question proposed by the gentleman from Georgia. In answer to the question of the gentleman from Georgia, we are all apt in communities as well as in legislatures or among people in general to act entirely upon the most recent experience. We do know that there has been an invasion of yellow fever in Brunswick, Ga.—

A BYSTANDER. In 1878—

Doctor KOHN. Yes, and consequently, why just act upon the experience of last summer when New Orleans and Pensacola became infected, and not act at once upon all the dangerous spots?

Mr. ADAMSON. Dou you not regard the Gulf coast now as the most imminently dangerous?

Doctor KOHN. Not at all; there is no more danger on the Gulf coast than anywhere else of importing a living case suspected of yellow fever, or having the germs of yellow fever in him. It does not grow there. It must be brought there in person.

Mr. MANN. Is there any danger of yellow fever being brought into New York by a passenger from the South?

Doctor KOHN. From all these dangerous ports it takes a longer time to reach New York than it does to reach the South Atlantic ports. In other words, the doctors have told us that six days at the utmost is the time needed for incubation, and the passenger who reaches New York will come after five days, and if he has any high temperature the health authorities of New York will detain him, so that there is a more remote danger that a case of yellow fever will break out after he has landed in the port of New York and has taken a train for the South than there is if he should land at a southern port and take a train inland.

Mr. MANN. What I want to get at is whether, if you strike out the words "Gulf ports," you will require the national quarantine service to maintain a yellow-fever service at the ports of New York and Philadelphia and other ports?

Doctor KOHN. No; only where he deemed it necessary. And the Surgeon-General is on record as to that, as for example, when in any



port, say Boston or New York, where the period of transition in transportation requires more than the time needed for the development of yellow fever in the body of a person, there is no need of a yellow-fever service there.

Mr. MANN. But if the existing Surgeon-General or some subsequent one should be of the opinion that they needed a quarantine service in New York for yellow fever, under this bill the Secretary of the Treasury could go there and condemn land for that site.

Doctor KOHN. But he has the protection, or I might say the advice and counsel, of men of critical understanding, and finally the advice and counsel of the Secretary of the Treasury; and a man could not arbitrarily require inspection in a port where it was unnecessary.

Mr. STEVENS. That might be a matter of opinion.

Doctor KOHN. No, sir. Five days was formerly regarded as the period, but I think one case was developed in five and one-half days after a man had left a certain port.

Now, the next point, Mr. Chairman, is on page 4, line 16, and that, I believe, has been taken up already in other quarters. You have here, in line 15, this language: "And shall be distant not less than 35 miles from any port or subport of entry of the United States."

That was evidently drawn up with the express purpose of locating the harbor of refuge, as it is called, at some point that is distant 35 miles from any port or subport of the Gulf coast, and it is naturally inferred to be Dry Tortugas.

Now, Dry Tortugas, if you are familiar with that part of the country, is situated near the western shore of the lower end of Florida. The port of New Orleans is located almost 400 miles from Dry Tortugas, and most of the vessels that ply from these South and Central American and other tropical ports take the western route from the Caribbean Straits, and it would entirely destroy all that shipping and commerce if those vessels would have to take the risk of not alone being detained at the station of refuge, should a case of yellow fever be developed on them, but also of being compelled to travel nearly 800 miles to that substation and back again; and they would, therefore, naturally choose another port with which to communicate.

Mr. ESCH. Has every ship to go to Dry Tortugas?

Doctor KOHN. Under this bill I do not know of any other station that could be meant.

Mr. GAINES. Where is that language?

Doctor KOHN. On page 4, lines 15 and 16. There is danger that the ship may be detained; and if, in addition to that, they shall be compelled to travel 800 miles to go and come from that port, it would eliminate the entire commerce of all these ports with New Orleans.

Mr. RUSSELL. What language would you suggest?

Doctor KOHN. I would suggest that the station of the Mississippi River should be substituted. You must give the port of New Orleans, the most important port in the South, adequate protection, and also allow them to establish a substation near there, because it would be a hardship for any vessel to go away out 400 miles to sea when in fact the relief is right at hand; and we have a substation there, or at least a so-called harbor of refuge, as we call it, at Pass a Loutre, and that is entirely isolated, and there is no danger of any infection.

The cases that may be brought there can be treated very safely, and it has no communication with any of the commerce of the Mississippi River.

Mr. STEVENS. Would you suggest that?

Doctor KOHN. Yes. I would suggest, then, as I suggested to the Louisiana delegation, to add or insert right after that passage the words "except in the Mississippi River, where the Federal Government shall obtain a site for a substation or establish its own station."

Mr. MANN. Where is this station?

Doctor KOHN. It is 90 miles below the city of New Orleans. It is equipped better than any other station on the coast. It is very finely equipped. The State of Louisiana has always expended a great deal of money for its quarantine service.

Mr. MANN. Is it on the river?

Doctor KOHN. Yes.

Mr. MANN. Would it not be possible for the mosquitoes to be infected at that point?

Doctor KOHN. No, sir; it has never happened.

Mr. MANN. Would it not be possible, if you had yellow-fever patients at that quarantine, for a mosquito to come in there and infect people on the boats passing up?

Doctor KOHN. No. As long as cases are suspended the ship and the case itself are transferred to the harbor of refuge, as it is called in this bill, in Pass a Loutre.

Mr. MANN. How far is that from the river?

Doctor KOHN. That is in another part of the Delta. We have three passes—the Southwest Pass, the South Pass, and the Pass a Loutre. But in fact the ship would come up the river and would be transferred to this substation, which is entirely isolated.

Now, if that is understood, I want to come to another point. This is a positive suggestion of the committee on health and quarantine, of which I am the chairman, and the delegation from Louisiana and Judge Davey are familiar with that.

Mr. ADAMSON. When you say isolated, how far do you mean it is from the land?

Doctor KOHN. It is on land, but it is away from any human habitation.

Mr. MANN. Do not people hunt there occasionally?

Doctor KOHN. I am coming now to something that people who are familiar with the modern knowledge of yellow fever may understand. This bill is drawn up on the lines of the knowledge that has prevailed in this country for many years, and every quarantine measure ever attempted is entirely on the line of this bill; and now since we know, since there is not a doctor or scientist or anyone connected with the question but who concedes that the fact has been established that the yellow fever can only be transmitted by the *stegomya fasciata* mosquito of the female sex, I do not see why these harbors of refuge should be required when all the necessary precautions can be taken on the ship itself.

I want to relate to you what happened in the city of New Orleans. A German war vessel, the *Bremen*, came up and developed a case of yellow fever. It was discovered at the Mississippi River quarantine station, and when the doctors there—the inspectors—visited the vessel they found that all the precautions had been taken by the medical

man on board. In other words, the man afflicted had been promptly transferred to the ship hospital, which was thoroughly screened over, and all means of egress and access were covered with 18-mesh wire. The weather was very bad, and it was necessary for the health and life of that man to keep him in that hospital. No objection was found whatever by the health officers, because there was no possibility of any mosquito being infected from him. We did not ask the ship to go to the Lazaretto, and did not ask the man to be transferred. He was simply screened in the hospital ship and he got well, and all the 600 sailors and others on board that ship remained unaffected, and after six days the ship was admitted to the port of New Orleans.

Why not embody something in this bill that will give the officers of the Marine-Hospital Service discretion, and not compel a ship, if a single case of yellow fever develops on it and has been isolated and screened, to go a long distance away for detention? Why not give them the discretion that they shall not compel the ship to go to the harbor of refuge, which would require 800 miles of travel to go and come there, and instead let them take care of the case as it may occur?

Mr. KENNEDY. Do you think it is wise to have that 35-mile limitation there?

Doctor KOHN. So far as New Orleans is concerned, it is entirely necessary, because it would kill all the commerce of the port——

Mr. KENNEDY. You mean it is unnecessary?

Doctor KOHN. Yes, unnecessary; undoubtedly.

Mr. KENNEDY. Ought not the Treasury Department to have discretion?

Doctor KOHN. I think in one part of the bill it has been given discretion that whenever a station may be located differently it may take other measures. The trouble with this bill, sir, is that it was originally drawn up to take the present United States harbor of refuge away from Ship Island, for the reason that Ship Island is very near the Mississippi coast, and it has been held by many doctors that the infection which entered Ocean Springs eight years ago and which was communicated to Biloxi, and finally to New Orleans, had its origin in communication with these men from the Ship Island station.

Mr. ADAMSON. How far is that from the mainland?

Doctor KOHN. Eight miles.

Mr. RYAN. Perhaps this point could be cleared up by asking Mr. Williams what he had in mind by inserting that distance 35 miles.

Mr. WILLIAMS. The gentleman from New Orleans told me—and he understands this section—that this section does not apply to ordinary stations at all. It applies to an anchorage of refuge. It is only when a ship is found, by actual examination at a quarantine station, to be infected with yellow fever that it is sent to the anchorage of refuge at all, and then it is not mandatory to send it there. It may be sent. The Surgeon-General is the one who decides; or his quarantine officer, his representative, decides. The gentleman seems to think it provides for only one anchorage of refuge. We describe this anchorage because we knew such anchorage could be found on the Gulf coast. When we came to consider the south Atlantic coast, to protect Charleston and Brunswick, we did not know where such a place could be found. We therefore put in this language—

And if it shall be necessary, in the judgment of said Surgeon-General, for the protection of any other port or ports on the coast of the United States that

additional quarantine stations and anchorages of refuge shall be established, he shall, with the approval of the Secretary of the Treasury, designate such quarantine stations and anchorages of refuge at such places as shall comply as nearly as practicable with the requirements as to depth of water, distance from ports or supports of entry, and safety of anchorage as prescribed in the foregoing provisions.

If, for example, a ship was examined at the Louisiana quarantine station and was found to be infected, but in the opinion of the quarantine officers was only so slightly infected as not to demand that it should be sent to the anchorage of refuge, it need not be sent; and if any gentlemen have any doubt of that they may put in there, right after that, some such word as "he may, in the discretion," etc. But it is already in the discretion. It is right on the bank of the Mississippi River. Plantations line the banks of the Mississippi River all around it, and it is right upon the land. We wanted a place that was isolated, cut off from all possibility of contact with the shore, and here is a place that is isolated. And we tried to get such a place as that, as near like it, on the Atlantic coast, as we can.

Mr. SANDERS. You have no anchorage outside the Mississippi River in the Gulf within 35 miles or within 200 or 300 miles.

Mr. WILLIAMS. We do not want the people of New Orleans to make a lazaretto at the mouth of the Mississippi River, threatening the Mississippi Valley.

Mr. SANDERS. But this has been there for one hundred and fifty years.

Mr. WILLIAMS. We wanted that thoroughly isolated by water from the land.

Doctor KOHN. I want to say, in answer to the distinguished gentleman from Mississippi, that there are no plantations near the Mississippi River station. As the mayor of New Orleans just tells me, there are none within 20 miles, and, so far as that lazaretto is concerned, that is the main objection in this bill, because of the fact that we have no island or harbor of refuge established within a reasonable distance from the mouth of the river. There is no person living there. It is a swamp. You know, gentlemen, the waters of the Mississippi River overflow every year, and it is not possible for anyone to live there or undertake agriculture there. The Mississippi Valley is not endangered in the least.

Accordingly, I again repeat what I said awhile ago, that under the present modern knowledge regarding the transmission of yellow fever, if there is no communication of persons there can be no spread of the *Stegomyia fasciata* mosquitoes. There are no *Stegomyia fasciata* mosquitoes down there. There is no such danger. The main thing, Mr. Chairman, is that for the port of New Orleans it is not possible to establish a harbor of refuge. Even if they should except, as I believe the committee are willing to make that exception in regard to having a station in the Mississippi River 20 miles distant from any habitation and 90 miles distant from the city of New Orleans, they can not establish a harbor of refuge within a reasonable distance without going off so far that the steamship lines would simply avoid the port of New Orleans.

The CHAIRMAN. How near is this to the line of vessels departing from and approaching New Orleans?

Doctor KOHN. Eight miles; and it has never been urged or claimed that the *Stegomyia fasciata* mosquito will travel more than fifty, or

at the outside, one hundred yards. That shows to you that there **can** not possibly be any danger. In fact, it has never been known since the quarantine station was established, of a case of infection coming from that lazaretto.

I want to say, Mr. Chairman, that, to give some little emphasis to what I have told you on this question, I was connected with the State board of health of Louisiana, and the law required that all the members should be physicians. I was a member of the board under Governor McEnery, now Senator McEnery, for six years, and I had something to do with the establishment and operation of that station; and I can tell you that ever since that station was established there has never been proven to have been a case of yellow fever that has entered the Mississippi River, except possibly last summer, and that has not yet been determined.

Mr. MANN. But, Dr. Kohn, you speak of New Orleans. How about Galveston and Mobile? If it will destroy the commerce of New Orleans to compel these vessels to go to Dry Tortugas, will it not also destroy the commerce of Galveston and Mobile?

Doctor KOHN. I have no doubt that Galveston views the question in the same manner. They will also come to you. I am not familiar with the topography of the coast there, or whether they have a harbor of refuge there or not.

Now, Mr. Chairman, in answer to that question, I have confined my objections to this bill entirely to the interests of the city of New Orleans. I had the pleasure of meeting, this morning, Doctor Goldthwaite, the chief quarantine officer of the city of Mobile, and I told him I was going to appear before your committee if an opportunity presented, and I wanted to know what Mobile was doing. He said Mobile was resting quiescent, but he admitted that these words "on the Gulf coast" should be eliminated, and he also admitted that some provision should be made for the protection of his port. But the citizens of Mobile have not deemed it necessary to join us in this visit to you.

I do not know that I am to fight their battles, but I believe, gentlemen, if you want to do justice to the entire country, and further the passage of this bill with the amendments that have been suggested, that due regard should be had to all the ports. Otherwise it will be a hardship upon many of them, and may destroy the possibility of their maintaining trade relations that are necessary for their growth and necessary for the benefit of their cities and the commerce of their ports.

Now, if there is any other question any gentleman has to ask, I would like to answer it.

Mr. STEVENS. I notice in section 1 there are two different ways of acquiring property. One way is where the United States owns the property in some department, and, another, where individuals own the property and it is desired to be acquired, and the third method is provided in section 6. Is there any way of informing the committee of the probable amount of property now owned by the United States which would be turned over to this Surgeon-General, or the amount that might be necessary to be acquired from individuals, or the amount that would be acquired from the States, so that the committee could know with some sort of definiteness about what might be expected to be done under this bill?

Doctor KOHN. I will answer for the State of Louisiana. The quarantine station on the Mississippi River and the Lazaretto are entirely the property of the State of Louisiana, and whatever action might be taken by the United States Marine-Hospital Service, with the advice and consent of the Secretary of the Treasury, would have to be done in the same manner as was done with the State of Florida. As Senator Mallory told me last November, a proposition has to be made to both sides, and in the case of Louisiana it would have to be submitted to the State legislature, which meets next May; and I believe the citizens of New Orleans will see to it that the proper transfer will be made in the regular way. Of course, the State has expended a great deal of money on the plant itself. I do not think there will be any difficulty, however, to reach an agreement upon a sum that will be entirely satisfactory to both the State of Louisiana and the United States Marine-Hospital Service.

The CHAIRMAN. Probably what amount?

Mr. BARTLETT. That would require action on the part of the State?

Doctor KOHN. Yes.

Mr. BARTLETT. When is your legislature in session?

Doctor KOHN. In May.

The CHAIRMAN. About what amount would be demanded?

Doctor KOHN. I would suggest, Mr. Chairman, that you ask your neighbor there, General Meyer.

Representative ADOLPH MEYER, of Louisiana. I have no idea on the value of the plant there.

Mr. SANDERS. There is lots of swamp land there. The only necessity would be to build the residences for the physicians and attendants. The land could be had for a few dollars an acre. I should say \$50,000 in all would cover the expenditure at the mouth of the Mississippi River for the actual plant, speaking off-hand.

Doctor KOHN. I hesitate to say, Mr. Chairman; but I think, myself, that would be considered a fair price. The Representative from Texas [Mr. Russell] might express an opinion regarding—

Mr. GAINES. Would it be practicable to build a health station in a swampy place? It would be very unwholesome, would it not?

Doctor KOHN. It would have to be filled up. It would cost some money. Nobody is competent to name a figure; but I think the State legislature of Louisiana is amenable to the influence of the citizens of the State who are anxious to have this bill pass and anxious to have the control of the maritime quarantine transferred to the United States Government, for the reasons mentioned by the other speakers, and for reasons that I wish to repeat, because the United States Government, by its large relations and connections with these tropical ports, and its other facilities, and the money that it has at its command, is more competent to handle this situation than any State or community.

Mr. STEVENS. Would not the existence of such a station as you describe, 8 miles from the line of travel in the river, interfere somewhat with the suggestion of Mr. Sanders that this bill was intended to inspire confidence?

Doctor KOHN. No. It is in another pass—the Pass a la Loutre.

Mr. ADAMSON. We are speaking of the harbor of refuge. Is it the consensus of opinion of your people, both here in the delegation and at home, and of the doctors who have studied the subject, that to make

a harbor of refuge of your Lazaretto would be a due precaution for the safety of that country?

Doctor KOHN. Yes. I have not heard a single expression to the contrary. I was, as I told you before, since 1890, connected for six years with the board of health, and after my retirement, immediately, I was elected chairman of the committee on quarantine of the board of trade of New Orleans, and that board is composed of large houses in commercial and shipping pursuits, and never have I heard of a single instance—and of course you will naturally understand that I have come continuously in contact with all the doctors and health officers who have had to do with yellow fever—and at no time have I heard a doubt expressed as to the efficacy of that Lazaretto and the possibility of danger. It has never been hinted at.

Mr. STEVENS. Do you think your confidence would be shared by the people of Arkansas and Indian Territory and Texas?

Doctor KOHN. I think and believe if the Marine-Hospital Service of the United States will find, after investigation of all the facts, if they have not already done so—if they find that what I have stated here is the fact, and they will accept it as such, and they will work in accordance with the facts as they find them—there will be no question of the wisdom of the United States Government or of the United States Marine-Hospital Service, particularly, because, Mr. Chairman, it is impossible to maintain the present commercial lines with the port of New Orleans—and this means traffic which is expected to grow yearly—without giving the facilities of a substation or a harbor of refuge within a reasonable distance of the main ports to which these vessels are bound.

Mr. ADAMSON. Mr. Williams's construction of this bill here is that it vests in the Federal authorities the right to select other harbors of refuge where necessary.

Doctor KOHN. Yes; I think Mr. Williams is entirely right; and I would admit that some parts of the bill cover the point I have mentioned and other parts do not. Why not in your wisdom make the entire bill uniform, and not contradictory? Because if you say in one part it must be located within 35 miles, or as near that as possible, that may create some quibble. An important port like New Orleans, representing as it does all the ramifications of the banks, and the real estate, and the wholesale and retail houses and the owners of property, should be so protected with special provisions as to help that port and make it possible for the United States Quarantine Service to maintain its service at such a reasonable distance as not to drive away the commerce between that port and the South and Central American ports.

Mr. MANN. If you have special protection for New Orleans, should you not have it also for Galveston and Mobile?

Doctor KOHN. If it is necessary, I should say yes. From Galveston it would be 550 or 600 miles to go from Dry Tortugas. Think of it! If a female *Stegomyia fasciata* should make its appearance during a voyage and inoculate an innocent passenger, that vessel would have to travel 1,100 miles to go and come there. Would not that eliminate the entire trade and traffic, and would not the owners of that steamship line say, "The risk is a little too big?"

Mr. MANN. I can see readily how it might add to the commerce of Tampa. [Laughter.]

Doctor KOHN. Yes; and also Georgia ports.

Mr. ADAMSON. It looks light a fight between commerce and health.

Doctor KOHN. Yes; it includes both. But why impose hardships that are unnecessary and uncalled for?

Mr. STEVENS. How is it possible that an infected ship from Honduras, being sent to the Lazaretto, would injure the commerce of New Orleans? Would not the effect be to inspire confidence if it were sent some little distance away? Suppose a ship comes in badly affected with yellow fever, and it is sent to some distance, would not that inspire confidence, in itself, more than if it were sent to a close distance?

Doctor KOHN. It would inspire confidence, but that steamship line would go out of existence.

Mr. STEVENS. Only one ship would be sent away.

Doctor KOHN. If there is infection in Honduras and a regular line runs from there, and in addition to that regular line steamers from Hamburg and Bremen or Liverpool touch those ports and then come to the port of New Orleans to get their cargo of cotton—if they feel that unfortunately a case of yellow fever could develop on board their ship, and in addition to being detained six days in the harbor they would have to go 800 miles away, they would say, "There is too big a risk," and they would go to some other port.

The CHAIRMAN. Would there be any difference in the measure of safety in a distance of 800 miles and a distance of 4?

Doctor KOHN. No, sir; not an atom.

Mr. DAVEY. Now, Mr. Chairman, I want to introduce Mr. John M. Parker, a cotton merchant of New Orleans.

**STATEMENT OF MR. JOHN M. PARKER, COTTON MERCHANT,  
NEW ORLEANS, LA.**

Mr. PARKER. Mr. Chairman and gentlemen of the committee, we are factors, and brokers, and lawyers, and merchants, and business men of New Orleans. We come here to appear before you to ask your speedy and favorable action in the matter of the Williams bill, and we would go further than that, and urge that you will give us all the support you can to promote the early passage of this bill through the House.

Few of you gentlemen who have never seen the baneful effects of the wild panic and stoppage of business that follow upon an outbreak of yellow fever down in our country can realize the destructiveness and the dreadful character of the conditions which we have to contend with.

Until you are familiar personally with those conditions you will probably wonder why we come here to urge immediate and prompt action at your hands upon this legislation. Last year, to give you an example, business was absolutely paralyzed for a while. Railroad trains were prevented from running, and the few that ran were compelled to screen and go through certain places at high rates of speed per hour, while in other places railroad trains were taken off entirely for a period of sixty or ninety days, thus absolutely shutting off all communication, except through the United States mails.

Some of the States down there, by means of shotgun quarantines, absolutely shut off all communication with their neighboring States.



There were two places—Lake Providence and Tallulah, La.—where the conditions were worse than they were anywhere else, and at those places the people were utterly unprepared to handle the epidemic, and those two localities were for two weeks practically shut off from communication with the world, except by telegrams. Afterwards, when the United States Marine-Hospital Service took charge of the conditions there, they not only succeeded absolutely in stamping out the disease by the time we had frost, but they now hope that we will have no recrudescence of the infection there.

There were probably 200 foci there when they came there to take charge of it. But immediately the uniform of the United States Marine-Hospital doctor gave to that man instantly a respect on the part of the people which the local doctors could not possibly inspire or get, and statements were made by physicians in our surrounding territory, where unfortunately the reports of the local boards of health had been received with suspicion, that the appearance of the Marine-Hospital Service doctors immediately inspired confidence. The Marine-Hospital doctor is a disinterested official, and he is there with no hopes or fears—no hopes of future advancement or future advantage, and no fears of offending neighbors and business associates; and he is there simply to do his duty.

Gentlemen, we are absolutely willing to trust a Marine-Hospital officer. The minute our people knew that the regulations were under the control of the Marine-Hospital Service there was a feeling of reassurance. I have the assurance of gentlemen from Mississippi and Alabama, and some from Arkansas, that they did not propose under any conditions to interfere with cases that have been under the control of the national quarantine officers, provided the Marine-Hospital Service say those cases have been subjected to inspection and control.

We think we have had a splendid education with respect to that matter in the South by our experience last year, and that plan of education has been handled absolutely by the Marine-Hospital Service, who have had absolute charge and control of it. A large number, I should say over 90 per cent, of the people of New Orleans and the people of the State of Louisiana, and an immense number in the State of Mississippi, from which the distinguished Representative, Mr. Williams, comes, will gladly welcome any legislation of this kind, and we believe that the United States alone not only has power, but has the means to carry out such regulations as will prevent the introduction of yellow fever or any other disease into our country.

Mr. SANDERS. Mr. Chairman, we are through, and we are very much obliged, indeed, to you and to the committee for the attention you have given to this matter, and we very urgently hope you will take it up and give us prompt relief.

The CHAIRMAN. Doctor Wyman, I would like to ask you two or three questions, if you please.

Doctor WYMAN. Very well, sir.

The CHAIRMAN. Suppose this bill would be enacted into law, what would probably be the expenditures under it within the next twelve months?

**STATEMENT OF DR. WALTER WYMAN, SUPERVISING SURGEON-GENERAL OF THE PUBLIC HEALTH AND MARINE-HOSPITAL SERVICE.**

Doctor WYMAN. The expenditures under it would refer either to the purchase of plants or the erection of new plants, and in a very rough way I suppose that to obtain possession of all these plants—they are not very numerous or expensive—I imagine that about \$250,000 would be required for that purpose.

The CHAIRMAN. If you had the authority that is conferred by this bill, what plants would you recommend the acquisition of?

Doctor WYMAN. Galveston, New Orleans, Mobile, Charleston, and one other, Port Arthur, in Texas.

The CHAIRMAN. Would the acquisition of those plants that you have now in your mind include a harbor of refuge 35 miles distant from any port?

Doctor WYMAN. There are only two harbors of refuge that we might possibly need in addition to those that we have. I do not know that a harbor of refuge would be needed for Galveston. It might be. The other harbor of refuge is Dry Tortugas, which, I think, we ought to have.

The CHAIRMAN. What would be the cost of providing the necessary buildings and facilities for the harbor of refuge at Dry Tortugas?

Doctor WYMAN. There are already so many buildings there that I think the cost would be relatively small, and I believe we already have an appropriation that could be expended for it.

The CHAIRMAN. What would be the amount?

Doctor WYMAN. I have not made a definite estimate.

The CHAIRMAN. Have you an approximate idea?

Doctor WYMAN. I think \$50,000 would be a rough estimate.

The CHAIRMAN. What would be the cost of acquiring the harbor of refuge near Galveston?

Doctor WYMAN. I have no idea. I do not know that we could find a place to have one there.

The CHAIRMAN. What is your idea of the cost of acquiring the grounds and constructing the buildings at Galveston—not the harbor of refuge?

Doctor WYMAN. I think we could put a quarantine station there for \$30,000 or \$40,000.

The CHAIRMAN. And acquire the land?

Doctor WYMAN. And acquire the land, possibly.

The CHAIRMAN. What would be the cost of acquiring the station at New Orleans? I mean completing it for service?

Doctor WYMAN. You mean putting up a new one of our own, or purchasing?

The CHAIRMAN. Putting up a new one of our own.

Doctor WYMAN. Well, to put up a new plant there—it is very difficult to answer that question, because of want of knowledge of the location; but if we were to put up a new station there there are so many questions involved with regard to the depth of water and landing facilities and land for erection of detention barracks, and so forth, that it is hard to make even a rough estimate. But I believe

we could make arrangements with the State authorities of Louisiana for the purchase of that plant.

The CHAIRMAN. At what cost?

Doctor WYMAN. I would not like to name a sum here that would commit me if we had to purchase that property. [Laughter.]

The way to arrange it, Mr. Chairman, would be to have an appraisalment made. That is the way we have done heretofore; the State to name one appraiser and the Treasury of the United States another, and those two to propose a third, and, after a careful examination of the property, to make a just appraisalment. If you want a rough idea, you might say \$100,000.

The CHAIRMAN. At Pensacola?

Doctor WYMAN. We own that already, sir. That is a national quarantine.

The CHAIRMAN. At Mobile?

Doctor WYMAN. If I am correctly informed, I believe Mobile is on Government property already. In a rough way, perhaps, \$40,000 or \$50,000 would be necessary there.

The CHAIRMAN. What do you say about the question of the comparative freedom from peril of a harbor of refuge 8 miles, or 400 miles, from the line of travel of vessels of commerce?

Doctor WYMAN. I think that with modern quarantine methods the quarantine stations can be much nearer the ports than used to be considered necessary. So far as actual scientific safety is concerned, I think there is very little difference between 8 miles and 35 miles. Sometimes other questions come in—the effects upon neighboring property, and the prejudices and fears of the people.

The CHAIRMAN. Well, you heard the gentlemen here discussing the station at New Orleans, or near there. They have stated it to be 8 miles from the line of travel of commerce. Would you regard that, under the circumstances which environ that case, as being a safe distance?

Doctor WYMAN. Yes, sir.

The CHAIRMAN. Do deep-draft vessels get into that port at that place?

Doctor WYMAN. Yes; I am informed that they do. I have visited the quarantine station.

The CHAIRMAN. Would that point, in your judgment, meet all the demands required by a harbor of refuge, such as this bill contemplates?

Doctor WYMAN. For New Orleans, yes, sir.

The CHAIRMAN. What do you think about the effect of the location with reference to the confidence and feeling of security of people living farther up the valley?

Doctor WYMAN. Well, Mr. Chairman, I have never heard any complaints about the outfit—about the location of the plant at the New Orleans quarantine. I have never heard that it was considered dangerous at all in its arrangements.

The CHAIRMAN. That is all I desire to ask.

Mr. MANN. Doctor, as I understand it, the State of Louisiana now owns this quarantine station at New Orleans?

Doctor WYMAN. Yes, sir; the State of Louisiana.

Mr. MANN. They are now performing the quarantine service there?

Doctor WYMAN. Yes, sir.

Mr. MANN. If it is turned over to your department the United States Government will perform that quarantine service?

Doctor WYMAN. Yes, sir.

Mr. MANN. The performance of that service is now an expense to the State of Louisiana?

Doctor WYMAN. Yes, sir.

Mr. MANN. If we took it we will relieve them of that expense?

Doctor WYMAN. Yes.

Mr. MANN. Why should we pay them, then, for that property?

Mr. DAVEY. The State of Louisiana does not appropriate more than \$5,000 for the State board of health. The quarantine service is conducted from the proceeds of fees from the fumigation of vessels.

Mr. MANN. Is there any profit to the State of Louisiana in it?

Mr. DAVEY. I don't know whether there is any profit. I do not think the legislature appropriates over five thousand dollars.

Doctor WYMAN. Mr. Chairman, I hope I may be allowed to correct myself. As it is being conducted by the State, the State collects the fees.

Mr. MANN. Is it a matter of profit to the State?

Doctor WYMAN. I do not know.

Mr. MANN. If the State of Louisiana is so anxious to have the Government take charge of the quarantine service there, why should they not give that land to the Government?

Doctor WYMAN. I can not answer that.

Mr. ADAMSON. Have other States done that, or did you pay for all you acquired?

Doctor WYMAN. We have paid for them, but we have acquired them under the law as it exists now. That authorizes the Secretary of the Treasury to lease at a nominal rate, when the State authorities agree to give it up. In doing that they have requested that we appraise the value of their plant, which has been done, and then a recommendation has been made to Congress to appropriate for the cost of the property.

Mr. ADAMSON. In some way or other, then, the Government has paid for them?

Doctor WYMAN. Yes. They paid for the Florida quarantines and the Savannah quarantine.

Mr. MANN. But that was by a special appropriation by Congress?

Doctor WYMAN. Yes; by a special appropriation.

Mr. MANN. Here is a proposition to give you or the Secretary of the Treasury unlimited authority to incur expenses up to millions, if you wish. That is unlimited authority, it seems to me.

Mr. STEVENS. Doctor, in the first section of the bill it is provided—

That in cases in which the title to the land and water so selected and designated is in the United States it shall be the duty of the department, bureau, or official of the United States having custody or possession of such land and water, or any part thereof, on demand of the Secretary of the Treasury, to deliver the same into his custody and possession, for the use of the Public Health and Marine-Hospital Service, evidencing such delivery by a suitable instrument in writing to be delivered to the Secretary of the Treasury.

Do you know of any such property belonging to the United States, belonging to other departments of the Government, that you wish to demand under that authority?

Doctor WYMAN. Only one, and I think that is the one intended—Dry Tortugas.

Mr. STEVENS. That is the only one you know of?

Doctor WYMAN. Yes, sir.

Mr. STEVENS. What Department has the title?

Doctor WYMAN. The Navy Department.

Mr. STEVENS. And there is no other on the mainland?

Doctor WYMAN. No, sir.

Mr. MANN. Would the Navy or other Departments have any objection, under the provisions of this bill, to your requiring them to turn over to you any property which you want?

Doctor WYMAN. I have not had any conference with them at all. Of course, the Secretary of the Treasury would have to make the request, and it might go eventually to the President. If we wanted to take a fort, for instance, under that we might have difficulty in doing it.

Mr. MANN. Does it have to go to the President?

Doctor WYMAN. He is the Chief Executive, and if the Secretary—

Mr. MANN. He might get a new Secretary of the Treasury, it is true, but does not this bill give the authority to the Secretary of the Treasury to take it, whether the War Department or the Navy Department or some other Department wants to give it up or not?

Doctor WYMAN. It seems rather broad to me.

Mr. STEVENS. That would be the law.

Mr. MANN. Doctor, does your estimate of \$250,000 include all your estimates?

Doctor WYMAN. For the purchase of all these plants?

Mr. MANN. For acquiring all the plants that are necessary under this bill.

Doctor WYMAN. I would not like to commit myself to that small amount. I was not expecting to appear before this committee this morning and make these estimates, but I thought, mentally, that between \$300,000 and \$400,000 would acquire these plants, or put up the necessary ones.

The CHAIRMAN. What would be the annual expense of maintaining those plants you have in mind now—those plants that would be acquired under this act?

Doctor WYMAN. I have made an estimate of that, and it would be about \$200,000 annually in addition to our present quarantine expenditures.

Mr. MANN. Do they have a quarantine service at Gulfport, Miss.?

Doctor WYMAN. Ship Island is the station. We have an officer at Gulfport, working in conjunction with the island.

The CHAIRMAN. What is the total amount of expenditure for the Public Health and Marine-Hospital Service, Doctor, for this fiscal year—the whole expense of the Bureau?

Doctor WYMAN. About \$1,700,000 a year. But you must recollect what that means. It is a very broad question. It means the care and treatment of sailors in the marine hospitals and relief stations, and our scientific laboratory, which is doing a great deal of public-health work, the quarantine service in the United States, Hawaii, and Porto Rico, and the prevention of the introduction and the suppression of epidemic diseases.

Mr. MANN. Is any portion of that collected in the shape of fees?

Doctor WYMAN. No.

Mr. MANN. Do you charge any fees for the quarantine service?

Doctor WYMAN. No, sir.

Mr. MANN. Where there is a Government service there is no expense to the ships, and where the States maintain a service there is?

Doctor WYMAN. Yes.

The CHAIRMAN. To your knowledge, has it happened at any time, when a vessel has been inspected by the Marine-Hospital Service and the quarantine service and has been fumigated and passed, that State authorities have then immediately and within a very short time required the vessel owner to submit again to the same inspection and fumigation, for which fees have been charged?

Doctor WYMAN. Yes, sir.

The CHAIRMAN. Is not that a common practice at the port of New York, for instance?

Doctor WYMAN. No, sir; not at the port of New York, because we do not quarantine for the port of New York.

The CHAIRMAN. You do not?

Doctor WYMAN. No, sir. New York is a State quarantine.

Mr. STEVENS. Where is this done?

Doctor WYMAN. Well, it has been done; for instance, a few years ago at Port Townsend, Wash.; it was done also at one time at San Francisco. It is not done at either of those places now. It has been done on the Delaware River, where we have a quarantine at Reedy Island for the port of Philadelphia.

Mr. MANN. So that, Doctor, if you could not make an arrangement under the provisions of this bill and acquire the New Orleans quarantine station and should erect one for the Government, and you should examine a vessel and pass it, the State quarantine officers would probably also examine it for the sake of the fees?

Doctor WYMAN. Yes; but there is a provision in there that if we should put up a quarantine station alongside of the quarantine station of the State, then no State authority should be allowed to charge any fee for quarantine service.

Mr. ADAMSON. Suppose that provision is not constitutionally worth the paper it is printed on, what then? Is not this the more rational view to take of it, that if you do your duty as efficiently as you have been doing it, no State would deem it necessary to establish another quarantine?

Doctor WYMAN. No, sir; if there would be fees connected with it, I do not agree with you.

Mr. ADAMSON. The only places you have mentioned so far where State authorities have interfered with your functions are up in the northern country, as you say?

Doctor WYMAN. Yes; but that is because we have not had the opportunity in the Southern ports.

Mr. ADAMSON. I merely wanted to bring out the fact that the fee habit is not local. [Laughter.]

Mr. MANN. Out of what fund was the expense paid incurred last summer for your service in connection with the yellow-fever epidemic in the South?

Doctor WYMAN. Out of our epidemic fund.

Mr. MANN. How much is it annually?

Doctor WYMAN. It is a continuing appropriation. That is added to from time to time by Congress in the sundry civil appropriation

bill. We have an estimate in this year of \$300,000. We will have, at the close of this fiscal year, about \$125,000 left.

Mr. MANN. Was any portion of that expense paid by the city of New Orleans?

Doctor WYMAN. We made an agreement with the citizens of New Orleans by which we paid the expenses of all the officers; but the material and labor were paid for by the citizens of New Orleans.

Mr. MANN. All you paid was the salaries of the public health officials?

Doctor WYMAN. Yes.

Mr. MANN. And the local people paid the expenses of all the work and material?

Doctor WYMAN. Yes; the labor and material.

Mr. MANN. How did they do that?

Doctor WYMAN. By patriotic movements among themselves in collecting funds.

Mr. MANN. Did they pay the money to you?

Doctor WYMAN. Locally they gave it to my representative in New Orleans.

Mr. MANN. Was not that contrary to the statute?

Doctor WYMAN. I think not. He did not handle the money at all. I do not think it is contrary to the statute.

Mr. MANN. The statute prohibits the Marine-Hospital and Public Health Service from either receiving services or money.

Doctor WYMAN. They had committees, with chairmen, and our officers practically superintended the work of those committees.

Mr. MANN. You understand I am not criticising what you did. I supposed at the time that you did the whole thing contrary to law. [Laughter.]

Doctor WYMAN. Those bills never came officially or otherwise to anybody up here.

Mr. BARTLETT. You do not mean to say that any official of the United States got any extra pay?

Doctor WYMAN. No; not at all, either directly or indirectly.

Mr. ADAMSON. Would it not be more effective to incorporate this kind of a proviso—that in case the local authorities insisted on duplicating the service and charging fees the Federal service shall be withdrawn until the local authorities see fit to cease doing that?

Doctor WYMAN. I think it would be better to reach it in another way.

Mr. ADAMSON. I am just trying to reach it by a way that the Constitution will sanction. That is all.

Mr. MANN. You think, as a matter of fact, that there would not be very much danger down there under the circumstances of their having duplicated plants or duplicated examinations?

Doctor WYMAN. I do not think duplicated plants would result from this, because if we would say we would put up the plant this bill demands of the Surgeon-General that he shall pick out a place where the quarantine is necessary. Now, if there is a plant already there, it does not make any difference within the meaning of this bill. I have got to recommend the erection of a national plant anyhow, and when the local authorities are informed that there is going to be a national station put up alongside of theirs, and after it is going they will not be allowed to charge fees under this bill, as I interpret its

meaning. Then, of course, without the fees they will have nothing to sustain their quarantine administration and it would fall.

Mr. MANN. Then the provision in this bill authorizing you to condemn and erect a new plant is a safety provision to prevent any possible attempt of a hold-up?

Doctor WYMAN. Well, that is for each one to judge. I did not draw this bill, Mr. Mann, understand. That is the interpretation of it, as it seems to me, as I have given it to you.

Mr. GAINES. Doctor, may I ask you this question: Have you any changes to suggest in this bill?

Doctor WYMAN. Any of my opinions in regard to it would be personal. I would have to give personal opinions, and I would not like to take up such a weighty matter as that verbally or right off-hand. There are some amendments that have been suggested by the gentlemen here that I think would probably be wise, but I would not like to take the bill up here and suggest amendments without further consideration.

Mr. MANN. Doctor, I suppose the first four lines of section 7 have your approval? [Laughter.]

Mr. SANDERS. Mr. Chairman and gentlemen, you have been very kind and patient, and have given us a very full hearing, and we appreciate it. I will now ask you to bear with us for a few minutes further in order to hear Mr. Britton, of the New Orleans Cotton Exchange.

The CHAIRMAN. We will hear you.

#### **STATEMENT OF MR. ABE BRITTON, PRESIDENT OF THE NEW ORLEANS COTTON EXCHANGE.**

Mr. BRITTON. Mr. Chairman and gentlemen of the committee, I hardly feel it advisable to vex further the patience of this committee. This subject has been so thoroughly thrashed out that I presume it is now thoroughly understood by all of you. But we left our several businesses to come here and implore this committee and the Congress of the United States to give us a national quarantine bill.

Primarily we feel that the duty devolves upon the General Government to protect the health not only of the southern parts of this country, but the entire coast, where it can better do it and subserve that purpose better than any State or local authority can.

I have the honor to represent the largest commercial interest in the State of Louisiana, for a number of years as president of the cotton exchange—a body consisting of 450 members; and they feel, I think, unanimously as I do, that because our organization represents a larger commercial interest than any other 450 men on the American continent, and it is the duty of Congress, as I say, to protect the health of our country if it can better protect it than the local authorities can, so that we can be perfectly secure by the Government guarding the approaches of the Mississippi River from this foreign foe.

We have been infested by epidemic diseases brought in by sister States, and the opinion prevails that if one State does not prevent the introduction of that disease another State may be equally lax. In 1897 I had the honor to serve as acting mayor of New Orleans, and in a single day the disease was introduced from Mississippi, and 300 or 400 foci were established in a day. Yellow fever had prevailed in the



town of Ocean Springs, and had been there for four weeks, and it was made known in a single day that that was the disease. It had been described previously under different names. But on that day three or four train loads of people were brought into the city of New Orleans and scattered in every direction. We have had trouble from other States, Alabama and Texas, and thereby the yellow fever has been introduced when we have been perfectly secure against the invasion of it from the Mississippi River.

The Federal authorities are thoroughly equipped, and the Government has in the Marine-Hospital Service men whose lives are devoted to this one purpose of protecting human life. They have dealt with the bubonic plague and effectually stamped it out in San Francisco. They have dealt with yellow fever in Laredo, Tex., and stamped it out there. They have dealt with it in New Orleans last year, and stamped it out there.

I had the privilege of presiding over a committee which passed resolutions invoking the governor of our State and the mayor of our city, who were particularly responsible, to take immediate steps to remedy the then prevailing situation, when the question was raised that the people would not surrender to the United States Government. But I say to you that whoever has been in the midst of a yellow-fever epidemic—and it has been my fortune to have resided in New Orleans ever since the great epidemic of 1853, and it is my judgment that there never was and never will be an instance where, during the prevalence of an epidemic, the people in whose midst it exists will not be glad to have the United States Government take charge of the situation as it finds it.

But over and beyond that, we might care for yellow fever and deal with it as effectively and efficiently as the United States Marine-Hospital Service. Grant that, if you will; but I say to you if saints from Heaven were composing the State boards of health of Louisiana—I say this frankly, because I believe it to be true—the sister States of Alabama, Mississippi, Arkansas, and Texas would not even then believe their statements. What we need, above all, is to have an authority whose statements will carry weight and belief and acceptance.

We are now just at the beginning of the season. On the 14th day of March the governor of our State will issue a proclamation making effective a quarantine against Central American ports—infected ports of that part of the country. Now just at this moment we are impelled to come here, because, I tell you frankly, a feeling of unrest and uneasiness prevails in our community—not that we are going to be infected by disease, but that the commerce of that town and its happiness and its enterprise are likely to be affected by the belief that will exist in the sister States that we may be infected, or may be likely to become infected with the disease, when we feel that we are secure against the invasion of the disease. And if it should be that we had a sporadic case of the disease there, it would be suppressed and stamped out. But, nevertheless, they act, and would act, as if we were actually infected, and because of that the loss to us and the detriment to our interests would be just as great as though we had an actual epidemic there. And it is this want of confidence, I know, that brings about such tremendous loss and such a dreadful disruption of business.

I have gone through all the epidemics we have had there since the civil war, and I know that the United States authorities are respected, and that their statements will carry weight with our people—a weight which the statements of our local boards will not carry; and the ability and the insignia of the men who are charged with this duty, men wearing the uniform of the United States Government, gives them entry and respect everywhere, whereas the local authorities do not receive it.

MR. ADAMSON. Will it disturb you for me to ask you a few questions?

MR. BRITTON. No, sir.

MR. ADAMSON. In consideration of receiving for yourself and all of us the protection which you ask, and which you have the right to ask, as I believe, there is a place where this subject of additional State quarantine and fees can be constitutionally controlled. Can not your people control that question and prevent by law the establishment and exercise of local quarantine and the charging of fees as long as the Federal Government maintains this quarantine?

MR. BRITTON. That may be, but my idea is—

MR. ADAMSON. The reason I ask is because of what has been said about it here.

MR. BRITTON. Yes; and I have heard of State rights, and I do not know of any one here who has given more time and sacrifice and service to the upholding of that doctrine than I. But that went with the war.

MR. ADAMSON. The question is whether you yourselves can not control that one objectionable feature, and by your own arrangement stop the practice of charging additional fees or maintaining a quarantine in consideration of the fact that the Government will take hold of it itself. Could you do it?

MR. BRITTON. Possibly we could, but we have no legislature until May. The damage is done. What matters a few thousand dollars, more or less, if a great Government like the Federal Government could take charge of this? If the bubonic plague would break out at San Francisco or New York, the Government would spend millions of dollars to stamp it out. We of the South would be very glad to share our part of the burden in doing that.

I want to say this, that these 450 men composing the Cotton Exchange at the port of New Orleans export 100 million dollars' worth of property. That goes to settle the balance of trade in this country. Close up that port in September, October, and November, if you will, and I undertake to say you will cut off from the exports of this country 30 or 40 millions of dollars. I undertake to say that the delay in the export of the old cotton will affect the financial interest of every concern from Maine to Texas, and in that sense, in my judgment, it becomes a national question, and the people at large, it seems to me, are as much affected in that way in a commercial sense as we are. Of course they are not as immediate sufferers as we are.

My personal view, Mr. Chairman, is that I would be glad to see the Government take charge of this, not only as it relates to foreign relations, but also as it relates to interstate relations. I should wish it would prevail in every city and county and community throughout the whole broad land.

Mr. ADAMSON. Then ought you not to be willing to rid the subject of the additional quarantine and charges?

Mr. BRITTON. So far as that goes, I believe our people would pay almost any amount of money to the cause—

Mr. GAINES. You are willing to release these charges, Mr. Britton, and you say and think your own people are?

Mr. BRITTON. Yes. With an organization of 450 men, representing the New Orleans Cotton Exchange, who, I think, are unanimous in their opinion with me on this subject, there would be no question as to money. Our people have never refused to respond to an appeal of that sort.

Mr. ADAMSON. There is no dispute about that, if you will do it.

Mr. BRITTON. We will recommend to the legislature, if you will. But we are here chiefly to urge that this bill be not only passed, but speedily passed.

Mr. MANN. But, Mr. Britton, it is not possible for the National Government to have quarantine down there until they get a plant for it.

Mr. BRITTON. I understand that, but I have had some little things to do in a minor way, and it seems to me if this bill appeals to the committees of the House and Senate as it appeals to us, you will surely give it prompt and favorable consideration. Of course, we are very much prejudiced in this way, and we feel that if the gentlemen would devote some extra time to it they could take it up more speedily than otherwise would be the case.

I have lived in New Orleans for fifty years, and I have never experienced or witnessed in all that time such a feeling of unrest, such a feeling of uneasiness, as that which I know exists there to-day lest this Congress may not pass this measure and do it quickly. So far as I am concerned personally, I do not entertain any pessimistic views in regard to yellow fever. I believe that in the not distant future it will become an extinct disease. But I think this Government, under all the circumstances, could afford to expend a million dollars or two millions or five millions to protect a port like that of New Orleans, and, in my judgment, it would be a worthy thing.

Mr. MANN. In that view, do you not think the legislature of Louisiana could afford to turn this plant over to the Federal Quarantine Service for a nominal consideration?

Mr. BRITTON. That might be done. Yes, I do. I answer that question. I think they might.

Mr. SANDERS. Might I just reply to the question and say that, expecting and hoping that Congress would pass this law, it has already been recommended to the legislature at its next session, in May, that they increase the appropriation for the State from \$5,000 to \$30,000, so as to eliminate these charges if the Federal Government takes charge of the local quarantine?

Mr. STEVENS. You state that it is possible that an epidemic might arise and not be controlled, and that during the months of September, October, and November cotton exports might decrease \$30,000,000 or \$40,000,000?

Mr. BRITTON. Yes, sir.

Mr. STEPHENS. Would that make any difference in the price received by the producer for his raw cotton?

Mr. BRITTON. It would, to some extent.

Mr. STEPHENS. It would increase the price to the local producer?

Mr. BRITTON. It would; yes, sir; because it would be hard to get it to market.

We are very grateful for this audience, Mr. Chairman, and I close by saying that if, consistently with your duties, you can do anything to speed the passage of this bill we assume that you will; we assume that you feel, as we do, the importance of this measure, and we will go home carrying with us very grateful hearts for any service.

The CHAIRMAN. After we get through with this hearing we will have a short executive session.

[Thereupon, at 1.15 o'clock, p. m., the hearing was concluded and the committee went into executive session.]





















